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|-------|-----|--|
| 51-52 | 13) | APPROVED: Amendment #1 to 2003 Rochester City Lines Contract |
| 53-54 | 14) | APPROVED: Amendment to the Stonehedge Development Agreement |
| 55-56 | 15) | APPROVED: Minnesota Environmental Science and Economic Review Board (MESERB) – Amendments to the Joint Powers Agreement |
| B-D | 16) | APPROVED: ADDED CDBG Contingency Transfer Request by RADAR |
| E | 17) | APPROVED: ADDED Transfer of On Sale and Sunday Intoxicating Liquor and Dance License for the Comfort Inn |

E) HEARINGS

- | | | |
|---------|-----|---|
| 57-60 | 1) | CONTINUED TO DECEMBER 1: Continued Hearing on Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat |
| 61-78 | 2) | APPROVED: Type III Phase II Amendment #03-01 to the Final Plan which covers Apache Mall Shopping Center to allow the construction of a restaurant located north of 16th Street SW, west of Apache Drive SW and east of Highway 52. |
| F-L | 3) | APPROVED: REVISED: Type III, Phase III Conditional Use Permit #03-51 by Assisi Heights Animal Hospital located on the northwest corner of 11th Avenue NW and 14th Street NW. |
| 91-100 | 4) | APPROVED: Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. to allow placement of fill on property located south of 7th Street NW and east of Lake Street NW. |
| 101-114 | 5) | APPROVED: Final Plat #03-13 to be known as Viola Hills Subdivision by Todd Ustby |
| 115-122 | 6) | APPROVED: Final Plat #03-38 by Accessible Space, Inc. to be known as ADI Subdivision |
| 123-134 | 7) | APPROVED: Final Plat #03-39, by Stonebridge Development to be known as Foxfield Subdivision |
| 135-140 | 8) | APPROVED: Utility Easement Vacation Petition #03-08 by Richard Martin and Lynette Oehlke-Martin to vacate seven feet of a utility easement located west of 14th Avenue SW and north of 6th Street SW. |
| 141-146 | 9) | APPROVED: Annexation Petition #03-25 by Kelly and Kristi Madson on property located along the south side of Highway 14 East and along the east side of 40th Avenue S.E. |
| 147-148 | 10) | APPROVED: Consider Proposed Fare Increases for Rochester City Lines. |

149-154 11) **APPROVED:** Consider Proposed Route Changes for Rochester City Lines.

155-166 12) **APPROVED:** Consider the Proposed Assessment of Outstanding Billings for Weed Removal, Tree Removal, Debris Removal, Snow Removal, Secure Property, Impound Towing, Sewer/Water Charges and Sidewalk Repair.

F) REPORTS AND RECOMMENDATIONS

167-168 1) **APPROVED:** Juvenile Accountability Incentive Block Grant

169-172 2) **APPROVED:** Water Reclamation Plant NPDES Permit Limits

G) RESOLUTIONS AND ORDINANCES

173-174

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

AGENDA SECTION:
OPEN COMMENT PERIOD**ORIGINATING DEPT:**
CITY ADMINISTRATOR**ITEM NO.**
A**ITEM DESCRIPTION:** OPEN COMMENT PERIOD**PREPARED BY:**
S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION:

Letters and Petitions

ORIGINATING DEPT:

City Clerk

ITEM NO.

C-1

ITEM DESCRIPTION: Petition - Sidealk on Teton Lane and 11th Avenue N.E.**PREPARED BY:**

Judy Scherr

A petition has been received from residents on Teton Lane and 11th Avenue N.E. between 17th Street N.E. and Teton Lane requesting that the Council consider the installation of a sidewalk for this area.

COUNCIL ACTION REQUESTED

A motion to refer the petition to the Public Works Department for a feasibility study.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

A

We request that a sidewalk be installed on Teton Lane NE and 11th Ave NE between 17th Street NE and Teton Lane.

- ◆ There is no sidewalk along this stretch of street.
- ◆ Students in the Northern Heights neighborhood are not bussed to Kellogg Middle school and must walk on the street along this route to get to school.
- ◆ Some students along this street are not bussed to Jefferson and must walk on the street along this route to get to school.
- ◆ Many adults use this route to reach Northern Heights and would benefit from a sidewalk.
- ◆ Teton Lane and 11th Ave. NE are steeply graded and can be slippery in the winter and when wet, creating unsafe conditions for walkers.
- ◆ 11th Ave. NE curves sharply and drivers' visibility of people walking on the street is limited.
- ◆ In the winter months, students walk to school in the dark and they are difficult to see on the street.

Denise Voytomin	1827 13 th Ave NE	282-4495
Mark Tomplin	1827 13 th Ave NE	282-4495
Jon Tomplin	1827 13 th Ave NE	282-4495
Jim Moe	1821 13 th Ave NE	281-2573
Catherine Endol	1821 13 th Ave NE	" "
Anne Moe	1821 13 th Ave NE	281-2573
Jill Hartman	1822 13 th Ave NE	280-7506
Karen Hartman	1822 13 Ave NE	280-7506
Maya Brakke	1826 13 th Ave NE	288-8177
Sari Brakke	1826 13 th Ave NE	288-8177
Janice Jay	1835 13 th Ave NE	288-0551
Carol Joyce	1835 13 th Ave NE	288-0551
Jan Jay	1835 13 th Ave NE	288-0551
Polly Dore	1835 13 th Ave NE	288-0551
	1835 13 th Ave NE	288-0551

288-2084

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Jane Hoberger 817 13TH Ave NE Rochester

Thomas P. Smith 1813 13TH Ave. NE ROCHESTER
288-7116

Mike Kelly

1808 13th Ave. N.E., Rochester

Garvey Kelley

1808 13th Ave NE Rochester

Chris & Melanie Martini 1812 13th Ave NE, Rod. 286-9183

Jordan Martini 1812 13th Ave NE, Roch
1224 19th St NE 282-7758

Steven Erickson

1224 19th St NE 282-7758

Emma Erickson

Eric Joyce 1835 13th Ave. NE 288-0561

Michael Hartman 1822 13th Ave. NE 280-7506

Delia M. Duff-Smet 1820 City View Ct NE 288-8253

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<u>Name</u>	<u>Address</u>	<u>Phone</u>
Donna Amp	1357 Windbreak Ct.	289-5409
Connie Brekke	1301 7 th Ave NE	288-7333
Janine Lenzmeier	2322 Viking Dr NE	281-1687
Mary Toulouse	1508 21 st Ave. NE	288-9548
Janine Luedke	234 10 1/2 St SE	529-0509
Carol Kerkra	4528 Stratford Lane NW	282-6703
Tracy Barton	412 E 12 St. Apt. 10	932-4208
Sharon Knapp	St. Charles, MN	
Lisa K. K.	4420 1 st St NE	285-1511
Shannon Sweeney	352 24 th St NE	289-8029
Sharon Erickson	13314 Sunset Bay Rd NE	253-2787
Sarah K.	18 7 th St NE	
Melissa K.	4812 Manor Brook Dr. NW	385-4449
Krisanne Wovak (Teacher)	116 12th Ave NW	287-9747
Jennifer Witter	799 Sunset Dr. NW	371-7021
Jean More	2018 Telmark Ct NW	281-4093
J. J. W.	2684 Francis Ave	651-272-4072

(over)

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William Remme 288-4852

D David F. Wiesner 289-2973

Don Pedersen 635-5835

409 W. 5th St.
Mantorville, MN 55955

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<u>Name</u>	<u>Address</u>	<u>Phone</u>
Natalie Shaske	1655 Teton Ct NE,	280-6960
Cat Thisius	1521 19st NE	281-0691

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<u>Name</u>	<u>Address</u>	<u>Phone</u>
Jean Sullivan	1408 City View Ct NE	285-9978
Bene Remme	1412 City View Ct NE	288-4852
Jennette Beck	1424 City View	282-4450
Shari Wood	1430 City View NE	282-5729
Melwyn Rothman	1433 City View Ct. NE	285-7916
Mimi Rothman	" " " "	"
Daniel Sargent	1431 City View Ct NE	292-9661
John [unclear]	1421 " "	"
John [unclear]	1409 " "	280-0655
Handy Daniel	1430 24 th Ave SE	288-1580
Kathy [unclear]	1810 23 1/2 St SE	252-4770

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<u>Name</u>	<u>Address</u>	<u>Phone</u>
Glenn Heins	1804 Century Hills Dr. NE	288-9492
Pam McAteere	3737 Arlington Ln SE.	282-3562
Hay Hanger	1801 Northern Valley Dr NE	281-1578
Jody Dixon	1922 N. Viola Ln NE	282-6935
Angie Elsworth	3010 17 th Place SE	288-4681
Bruce Byrnes	4710 Warrick Ln NW	282-6986
Nancy Britson	2012 Valbyrie Dr. NW	529-5329
Nancy Staudt	1908 Lakeview Ct SW	285-3380
Joyce Hammer	3243 Avalon Cove Ln NW	536-4168
Kathy Vogt	4810 Scenic Oak Dr SW	529-8662
Lami Schmidt	2304 Northern Hills Ct NE	280-9605
Renate Shriner	1005 Northern Hills Dr NE	529-8213
Ellen Stekel	943 N Valley Dr NE	285-0894

David Joyce

From: "SEVERSON, MECHELLE" <MESEVERSON@Rochester.K12.MN.US>
To: "David Joyce" <DJoyce8@compuserve.com>
Sent: Tuesday, October 21, 2003 4:16 PM
Subject: RE: sidewalk on Teton

Carole:

I would be willing to be on a petition supporting the request for a sidewalk along Teton Lane and 11th Ave. NE between 17th St. and Teton Court due to children walking to school from the Northern Heights area.

Mechelle Severson

-----Original Message-----

From: David Joyce [mailto:DJoyce8@compuserve.com]
Sent: Mon 10/20/03 11:04 AM
To: SEVERSON, MECHELLE
Cc:
Subject: sidewalk on Teton

I am petitioning the city for a sidewalk along Teton Lane and 11th Ave NE between 17th St NE and Teton Court. I am concerned about children walking to Kellogg Middle school from the Northern Heights area.

The students must walk in the street along a busy, steep, and windy road. Teton Lane and 11th Ave. NE are steeply graded and can be slippery in the winter and when wet, creating unsafe conditions for walkers. 11th Ave. NE curves sharply and drivers' visibility is limited. In the winter months students walking in the street are difficult to see on the street.

I am sending a petition to the city and wondered if you would be willing to add your voice. Before the change in bussing, students from this area received rides to Kellogg. Now they need to walk on an unsafe route.

If you are willing to support this request, send me an email and I will add your comments to the collection of names which I have gathered.

Thank you for your consideration.

Carole Joyce


David Joyce

From: "Kim Norton" <sknort@earthlink.net>
To: "David Joyce" <DJoyce8@compuserve.com>
Sent: Tuesday, October 21, 2003 4:47 PM
Subject: Re: sidewalk on Teton

Carole,

Great Idea! I'm very pleased to see this effort underway at last!

Concerns have been raised about areas that do not have sidewalks, but I am unaware of any concerted effort to get the sidewalks installed. The school district raised this issue at one of our Tri-Government meetings over a year ago and we were told that the issue needs to be addressed by the residents and neighborhoods.

Please add my name to the list of people concerned about this issue. I wish you the best of luck in getting sidewalks in your neighborhood so that students can walk to school more safely!

Kim Norton

10/22/03

David Joyce

From: "Cris Fischer" <crisfischer@charter.net>
To: "David Joyce" <DJoyce8@compuserve.com>
Sent: Monday, October 20, 2003 10:12 PM
Subject: Re: sidewalk on Teton

Hi Carol -

Thank you for asking me to be part of your petition. I believe it is necessary and I would be more than happy to put my name on the petition. I am amazed that this area has not been assessed for a sidewalk. It certainly is long overdue.

Thanks for taking the initiative to get this done -

Cris Fischer

Peace. it does not mean to be in a place where there is no noise, trouble or hard work. it means to be in the midst of those things and still...
 be calm in your heart.

----- Original Message -----

From: David Joyce
To: crisfischer@charter.net
Sent: Monday, October 20, 2003 11:03 AM
Subject: sidewalk on Teton

I am petitioning the city for a sidewalk along Teton Lane and 11th Ave NE between 17th St NE and Teton Court. I am concerned about children walking to Kellogg Middle school from the Northern Heights area.

The students must walk in the street along a busy, steep, and windy road. Teton Lane and 11th Ave. NE are steeply graded and can be slippery in the winter and when wet, creating unsafe conditions for walkers. 11th Ave. NE curves sharply and drivers' visibility is limited. In the winter months students walking in the street are difficult to see on the street.

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Thank you for your consideration.

Carole Joyce

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-15
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Appointment to the Rochester Convention and Visitors Bureau
- 3) Amendments to Parade Ordinance
- 4) Licenses, Bonds & Miscellaneous Activities
- 5) Approval of Accounts Payable
- 6) Donation to Police Department Honor Guard
- 7) Donation to Police Department Honor Guard
- 8) Engineering Services to Design a Elton Hills Ravine Culvert Replacement at 3rd Avenue NW between 31st Street and Chalet Drive – Project J4014
- 9) Plummer Circle & Plummer Lane SW, remove parking restriction 9 AM to 10 AM Monday through Friday
- 10) 5th Avenue SE at Riverside Central Elementary, establish No Parking along the median island
- 11) 2 Hour Parking Zone at 119 5th Avenue NW
- 12) Stormwater Management Agreement
- 13) Amendment #1 to 2003 Rochester City Lines Contract
- 14) Amendment to the Stonehedge Development Agreement
- 15) Minnesota Environmental Science and Economic Review Board (MESERB) – Amendments to the Joint Powers Agreement

COUNCIL ACTION REQUESTED:

Motion to/ approve consent agenda items

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION:

Organizational Business

ORIGINATING DEPT:

Mayor's Office

ITEM NO.

D-2

ITEM DESCRIPTION: Appointment to the Rochester Convention and Visitors Bureau**PREPARED BY:**

Mayor Brede

I hereby submit for your approval the following appointment to the Rochester Convention and Visitors Bureau:

Richard Wright
1971 Century Valley LN NE

Mr. Wright will fill the expired term of Kathy Smith – general public representative. His term will expire December 2006.

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RICHARD WRIGHT

1971 Century Valley Lane NE, Rochester MN 55906
(507) 252-4716 (h); (507) 261-8804 (cell); rwright69@charter.net

Member of Wisconsin and Washington State Bar Associations

EXPERIENCE

Olmsted County Planning Commission, January 2003 to present.

Candidate for Minnesota State Senate, District 30 – March 2002 to November 5, 2002

The Cobalt Group, Inc., Seattle, Washington

Associate Corporate Counsel/Assistant Secretary - May 2000 to August 2001

Privacy; licensing; trademark; copyright; contract analysis, drafting, and negotiation; regulatory compliance; and other corporate matters such as international business, employment matters, and SEC filings.

Keller Rohrback, L.L.P., Seattle, Washington

Associate - January 1999 to May 2000

Insurance coverage, bad faith, and regulatory compliance, as well as physician employment contracts. Evaluated and analyzed insurance claims. Provided recommendations to in-house counsel and adjuster.

Murray, Dunham & Murray, Seattle, Washington

Associate - January 1997 to January 1999

Insurance litigation. Evaluated claims and medical files; researched, drafted, and argued motions; directed and performed discovery; and prepared cases for trial. Issues included auto, coverage, contract, land use, and commercial liability.

Madison City Attorney, Madison, Wisconsin

Legal Clerk - August 1995 to May 1996

Researched and drafted memoranda on health insurance, zoning, land use, transportation, employment, and construction issues.

ABC for Health, Madison, Wisconsin

Legal Clerk - July 1995 to May 1996

Researched and drafted memoranda on Medicare, Medicaid, TEFRA, ERISA, Federal and State regulations, and health insurance.

Justice Roland B. Day, Wisconsin Supreme Court, Madison, Wisconsin

Judicial Intern - Fall Semester 1994

Researched and drafted bench memorandum on complex insurance issue. Observed, analyzed, and discussed oral argument with Justice Day.

EDUCATION

Marquette University Law School, Milwaukee, Wisconsin, JD 1996

St. Olaf College, Northfield, Minnesota, BA (Sociology) 1991

ACTIVITIES AND MEMBERSHIPS

Rochester Track Club, Rochester Chamber of Commerce, American Corporate Counsel Association, and American Bar Association.

Pro Bono activities: pro bono award at Marquette for work to reinstate healthcare benefits denied to children, families, and seniors; Landlord-Tenant Dispute case (1996); Housing Justice Project, Seattle (1999-2000); the Fremont Legal Clinic, Seattle (2000 to August 2001).

Personal Information

Richard Wright
 1971 Century Valley LN NE
 Rochester, MN 55906
 (507) 252-4716 (h)
 (507) 261-8804 (cell)
rwright69@charter.net

5th Ward

How long have you been a resident of Rochester? I grew up here. I left for a while for schooling (either my wife's) or mine and returned home two years ago.

City of Rochester does NOT employ my wife or me. We do not serve on any of the City's advisory boards. I am, however, on the County Planning Commission.

Experience and Education

Please see my attached c.v. I am a lawyer with five years experience. I am not currently working outside of the home, choosing instead to focus on my children. I graduated from St. Olaf with a B.A. in Sociology (1991) and from Marquette University Law School with a J.D. (1996).

I am a member of the Rochester Chamber of Commerce and the Rochester Track Club. I am on the Olmsted County Planning Commission and involved with my church (St. Francis).

I am also a member of the ABA, the Washington and Wisconsin Bar Association, and the American Corporate Counsel Association.

Additional Information

Please indicate why you are interested in being appointed to an advisory board, and why you feel you are qualified to serve on advisory board(s) previously indicated?

I am interested in public service. It is what I want to do—help my community become stronger and better. I am in a unique situation where I can use my legal skills to benefit my home. My legal background is solid when it comes to regulatory analysis, contracts, and business practice. I have strong skills that I bring to the table and which will benefit RPU and the Zoning Board.

What do I believe I can contribute if appointed to an advisory board?

A legal mind. For better or worse, it is always good to have a lawyer on board, especially when the boards deal with heavily regulated areas like energy and zoning. In addition I

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have a good background of tackling any issue that comes up (as in-house counsel this was anything from employment to post earthquake issues), analyzing it, developing solid solutions (usually a few), presenting the solutions along with the pros and cons of each to my client, and, if requested, providing a recommendation with rationale on why it is the best course of action. It is what I am trained to do. In addition, I provide energy and a willingness to look ahead.

How do you believe you would benefit if appointed to a Board or Commission?

I will get to use my skills to improve our community. It is my wish and goal: to work at making life better for my neighbors.

Conflicts:

I am NOT available to serve on the first and third Thursday of each month after 7:00 PM due to being on the County Planning Commission.

How do you believe you would benefit if appointed to a Board or Commission?

I am **NOT** available for Board/Commission meetings on the following days / evenings (circle):

Monday Tuesday Wednesday Thursday Friday

CONFLICT OF INTEREST

Conflict of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain, or other personal interest. A conflict of interest may also occur if you hold a private or other public position in addition to your City advisory board which may interfere with your discharge of your City responsibilities. In accordance with these definitions, do you have any legal or equitable interest in any business, however organized, which in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ___ No X If yes, please provide details on a separate sheet of paper.

Do you own any real property located in Rochester, other than your residence, in which you have a legal or equitable interest which, in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ___ No X If yes, please provide details on a separate sheet of paper.

As a Board, Commission or Committee member, what issue(s) might cause conflict between civic responsibility and personal/professional interests?

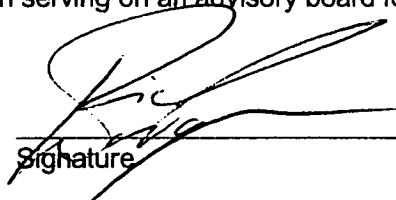
None that I am aware of

As required by City ordinance, if appointed to a City advisory board, you must complete a disclosure statement and file it with the City Clerk.

You may attach a resume if you desire. The selection process will vary according to the number of applicants and vacancies, and may not include interviews with all candidates.

Thank you for your interest in serving on an advisory board for the City of Rochester.

3/11/03
Date


Signature

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. D-3
ITEM DESCRIPTION: AMENDMENTS TO PARADE ORDINANCE		PREPARED BY: TERRY ADKINS TA

The City of Chicago's parade ordinance has come to my attention. The 7th Circuit Court of Appeals heard a legal challenge to this parade ordinance, but found it to be legal and constitutional. As a result of its legality having already been firmly established, I am interested in using some of the ordinance's provisions.

Although Chicago's parade ordinance is much more extensive than Rochester's parade ordinance and includes provisions not applicable to our city, it does have several interesting points and detail that might help out our parade ordinance. For example, the Chicago ordinance allows the Council to amend some minor details of the proposed parade route without formally denying the parade permit and, if it does deny a parade permit, to issue an alternate permit that contains alternate dates, times and locations. Chicago's ordinance also provides more specific criteria as to when the permit must be issued.

I have taken some of the Chicago ordinance provisions and meshed them with our current ordinance. The result is attached. The City Clerk and a representative of the Police Department have reviewed the proposed ordinance and believe it is an improvement over our current ordinance. Accordingly, I recommend the revised ordinance for your consideration.

Council Action Requested:

Motion to instruct the City Attorney to formally prepare the proposed amendments to the current parade ordinance, and to give the ordinance its first reading.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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ORDINANCE NO. ____

AN ORDINANCE AMENDING AND REENACTING
CHAPTER 144 OF THE ROCHESTER CODE OF
ORDINANCES, RELATING TO PARADES.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 144 of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

144. PARADES

144.01. Definitions. Subdivision 1. "Applicant" means the person who signs the application for a permit.

Subd. 2. "Appropriate city officials" means the mayor, city administrator, fire chief, police chief and public works director.

Subd. 3. "Council" means the Common Council of the City of Rochester, Minnesota.

Subd. 4. "Parade" means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or combination thereof, upon any public street, sidewalk, alley or other public place or right-of-way, which does not comply with normal and usual traffic regulations or controls. This term does not include a funeral procession.

144.02. Permit. No person shall conduct, sponsor or knowingly participate in a parade unless the Council has granted a permit for that parade.

144.03. Application for Permit. Subdivision 1. Any person who wants to conduct or sponsor a parade must apply to the city clerk for a permit at least ten days in advance of the date of the parade. The city clerk will refer the application to the appropriate city officials for comments as to whether the application satisfies the findings provided for in Section 144.04, subd. 2.

Subd. 2. The city clerk must receive and process an application for a permit which is filed less than ten days prior to the date the parade is to occur only if the city clerk determines there is sufficient time to receive

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comments from the appropriate city officials and to present the application to the Council or to individual common council members.

Subd. 3. An application for a permit must contain the following information, which must be updated by the applicant as circumstances change:

- A. Name, address and daytime telephone number of the applicant and, if applicable, the organization with which the applicant is affiliated or on whose behalf the applicant is applying.
- B. The date of the proposed parade and the hours that it will commence and terminate.
- C. The location and exact street address of the parade assembly and disbanding areas, and the time when the parade will begin to assemble and disband.
- D. The approximate number of persons and vehicles, floats or other units to participate in the parade.
- E. The route along which the parade will proceed and the sidewalks or lanes of traffic it will occupy; and,
- F. A list identifying the type and number of all animals the applicant intends to have at the parade.

Subd. 4. The application must be accompanied by payment of the license fee as established by the Council.

144.04. Issuance of Permit. Subdivision 1. The Council must issue a parade permit if it can make those findings listed in subdivision 2 of this section.

Subd. 2. The relevant findings for the issuance of a parade permit are as follows:

- A. The proposed parade will not substantially or unnecessarily interfere with traffic in the area contiguous to the activity, or that, if the activity will substantially interfere with such traffic, there are available at the time of the proposed parade sufficient city resources to adequately mitigate the disruption;
- B. There will be available at the time of the proposed parade a sufficient number of peace officers, traffic control officials or

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authorized volunteers to police and protect lawful participants in the parade and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed parade.

- C. The concentration of persons, animals, vehicles or things at the assembly and disbanding areas and along the parade route will not prevent proper police or fire protection, or ambulance service.
- D. The proposed parade will not be conducted for an unlawful purpose or in an unlawful manner. Federal, state and local laws will determine a lawful purpose and a lawful manner.
- E. The proposed parade will not interfere with the use of the requested area by another person to whom a valid permit has been issued for the same area or route.
- F. The application contains sufficient information about the proposed route and crowd.

Subd. 3. The Council may limit the parade to the sidewalk or to one or more traffic lanes of a street when it determines such limited area is capable of accommodating the number of people anticipated to participate in the parade and the experience of previous comparable parades. The Council's action under this subdivision will not be considered a denial of the application for a parade permit.

Subd. 4. Except as otherwise provided by law, all applications for parade permits will be processed on a first-come, first-serve basis.

144.05. Informal Approval. If there is no Council meeting between the time the application is filed with the city clerk and the date of the parade, the city clerk must contact each of the available Council members to determine whether they can make the findings required in Section 144.02, subd. 2. The city clerk must inform each Council member contacted of the appropriate city officials' comments. If four Council members approve of the application, the city clerk must issue a permit to the applicant.

144.06. Alternate Parade Permit. When the Council denies an application for a parade permit, the Council may authorize the issuance of a permit for a date, time, location or route that is different from that named by the applicant. This alternate parade permit will, to the extent practicable, authorize an event that will have comparable public visibility and a similar route, location and date to that of the proposed parade. An applicant desiring to accept an alternate parade permit must, within five business days

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following notice of the Council's approval of such a permit, file a written notice of acceptance with the city clerk.

144.07. Penalty. Any person who violates this section is guilty of a petty misdemeanor.

Section 2. This ordinance shall be effective from and after publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS ____ DAY OF _____, 2003.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS ____ DAY OF _____, 2003.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

Ord2000\144

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-4
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

SIDEWALKS – CEMENT

Lyndon Clark Construction LLC
470 8th St. SW
Plainview, Mn. 55964

MISCELLANEOUS

Downtown Business Association
PO Box 416
Rochester, Mn. 55903
Santa Arriving Downtown 11/28/03 5:00 PM to 8:30 PM
Peace Plaza – Carriage Rides to Central Park

Rochester Fire Dept Relief Assoc.
201 4th St SE
Rochester, Mn. 55904
Memorial Dedication 12/24/03 12:00 Noon to 2:00 PM
Silver Lake Park

COUNCIL ACTION REQUESTED

A motion to approve the above licenses, bonds and miscellaneous city activities.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

A

DATE: 11/17/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D - 4
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following **ADDENDUM** licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

GAMBLING – TEMPORARY

Pheasants Forever – Tri County Chapter
PO Box 6225
Rochester, Mn. 55903
Raffle 1/10/04 and 4/2/04 AT
Radisson Plaza Hotel
150 South Broadway
Rochester, Mn. 55904

GAMBLING – PREMISE PERMIT RENEWAL

American Legion Post 92
315 1st Ave NW
Rochester, Mn. 55901

COUNCIL ACTION REQUESTED

A motion to approve the above **ADDENDUM** licenses.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

31 /

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D-5
ITEM DESCRIPTION: Approval of Accounts Payable		PREPARED BY: Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of	\$999,375.00
Accounts payable of	<u>\$4,943,068.43</u>
Total disbursements	\$5,942,443.43

(Detailed listing of disbursements submitted separately.)

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION:

Consent Agenda

ORIGINATING DEPT:

Police

ITEM NO.

D-6

ITEM DESCRIPTION: Donation to Police Department Honor Guard**PREPARED BY:**

S. Johnston

Mary Goodsell has made a \$100 donation to the Rochester Police Honor Guard to be used for purchase of needed uniform/equipment items.

COUNCIL ACTION REQUESTED:

Approval to accept \$100 donation from Mary Goodsell for Police Honor Guard uniforms/equipment.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

35 /

AGENDA SECTION:

Consent Agenda

ORIGINATING DEPT:

Police

ITEM NO.

D-7

ITEM DESCRIPTION: Donation to Police Department Honor Guard**PREPARED BY:**

M. Goodsell

The family of Jack Paine has made a \$50 donation to the Rochester Police Honor Guard to be used for purchase of needed uniform/equipment items.

COUNCIL ACTION REQUESTED:

Approval to accept \$50 donation for Police Honor Guard uniforms/equipment.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-8
ITEM DESCRIPTION:	Engineering Services to Design a Elton Hills Ravine Culvert Replacement at 3 rd Avenue NW between 31 st Street and Chalet Drive Project J 4014	PREPARED BY: J. Wellner

Residents have reported significant localized flooding associated with the drainage way that flows from west to east and lies between Chalet Drive and 31st Street NW. Comments have been particularly directed to the area near 3rd Avenue NW. Hydraulic analysis supports the reported deficiency of the drainage way culverts at 3rd Avenue NW. Based on these findings, it appears that at several residences are not protected from flooding. Flooding could occur more frequently than once each 10 years.

Detailed design of the culvert is needed to allow the replacement of the existing inadequately sized culvert during the 2004 construction season. Staff recommends that the City enter into a contract with Polaris Group in the amount of \$20,500 for the detailed design of the replacement culvert.

This project is not included in the 2003 CIP, but has been submitted for consideration as part of the 2004 CIP funded using Flood Control Reserves.



COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the Mayor and CityClerk to execute an engineering service agreement with Polaris Group for the detailed design of the culvert replacement at 3rd Avenue NW.

Note: This request is due to a flooding problem. Flood control funds are recommended as the funding source. J. W.


COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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Memorandum

To: Rochester City Council

CC: Richard Freese

 **From:** John Wellner

Date: 11/17/03

Re: Elton Hills Ravine at 3rd Avenue NW, J4041

During the initial development planning for the Villas on the Parkway development at West River Parkway near 31st Street, the developer and his engineer held meetings with the neighborhood. During these meetings existing residents inquired as to whether the project would address the flooding problem in the Elton Hills Ravine near 3rd Avenue NW. It was subsequently determined that the development would not address the flooding nor would it negatively impact the problem. However the inquiries raised staff awareness of the residents' concerns about the ravine flooding. Staff performed an evaluation of the watershed and the hydraulic capacity of the Elton Hills Ravine culvert at 3rd Avenue. Staff concluded that:

1. The culvert and the general street construction pre-date the urbanization of the watershed.
2. The existing culvert may have been adequate for the development of the watershed and the functional use of 3rd Avenue NW prior to upstream development.
3. Development within the watershed has:
 - a. Increased the runoff water to the culvert under 3rd Avenue NW.
 - b. Increased the level of performance expectation of the culvert from the 10-year design storm to the 25 to 50-year design storm.
 - c. Increasing the localized flooding concerns near the culvert because of nearby homes and increase traffic using the street.
4. The culvert impedes the runoff flowing in the ravine causing water to back-up more often than once a year.
5. One or more homes are at risk of flooding because of the current situation at this culvert.

On June 2, 2003 the City Council authorized an engineering agreement with Polaris Group to conduct a detailed hydraulic analysis of the waterway and the culvert/road crossing at 3rd Avenue NW. A 'Draft' report has been filed with the city.

Polaris Group concludes that the existing culvert does not meet the current standards for culverts in residential areas in that one home near 3rd Avenue would flood and numerous homes do not have the one-foot level of protection. The report presents a number of alternatives to address the Elton Hills Ravine flooding near 3rd Avenue NW. Staff has evaluated the alternatives presented in the report and believes that two of the alternatives can meet the requirements of the city. The first of these alternatives is to replace the culvert with a larger culvert and lower 3rd Avenue by approximately two feet so that 100-runoff flows would pass over the street before flooding any homes. The second alternative is to remove the culvert and the street and convert this area into a waterway channel similar to the channel upstream to the west.

Comparison of the 2 alternatives are:

Alternative 1 to replace the culvert and lower the elevation of 3rd Avenue:

- Connectivity of the street system will be maintained along 3rd Avenue NW.
- Cost for construction may exceed \$200,000 including the engineering design and construction inspection services.
- Construction would require an outside contractor, not city forces.
- Implementation would take several months with the construction occurring in 2004.

Alternative 2 to remove the culvert and the street:

- Connectivity of the street system will be lost along 3rd Avenue NW.
- Cost for construction may be approximately \$20,000.
- Construction required could be with city forces.

On November 6, 2003 staff chaired a public information meeting attended by approximately 25 citizens. Council Person Means was also in attendance. These 2 alternatives were discussed. The citizens input focused on the continued connectivity of 3rd Avenue NE. Although not unanimous, the general sense was that those attending preferred Alternative 1, replacing the culvert and street. *consensus*

An issue raised at the meeting by the attendees is the need for restoration of the ravine channel to the west of 3rd Avenue NW. Staff agreed the restoration of the ravine would be included in the project and would be part of either Alternative. Staff estimates the channel restoration will increase the cost of project by \$25,000.

If the council has adequate information at this time to define the alternative best for the city, staff could be directed to implement that alternative.

Staff recommends that the council determine the Alternative to be implemented prior to January 15, 2004 so that the construction can begin early in the spring 2004.

REQUEST FOR COUNCIL ACTION

MEETING

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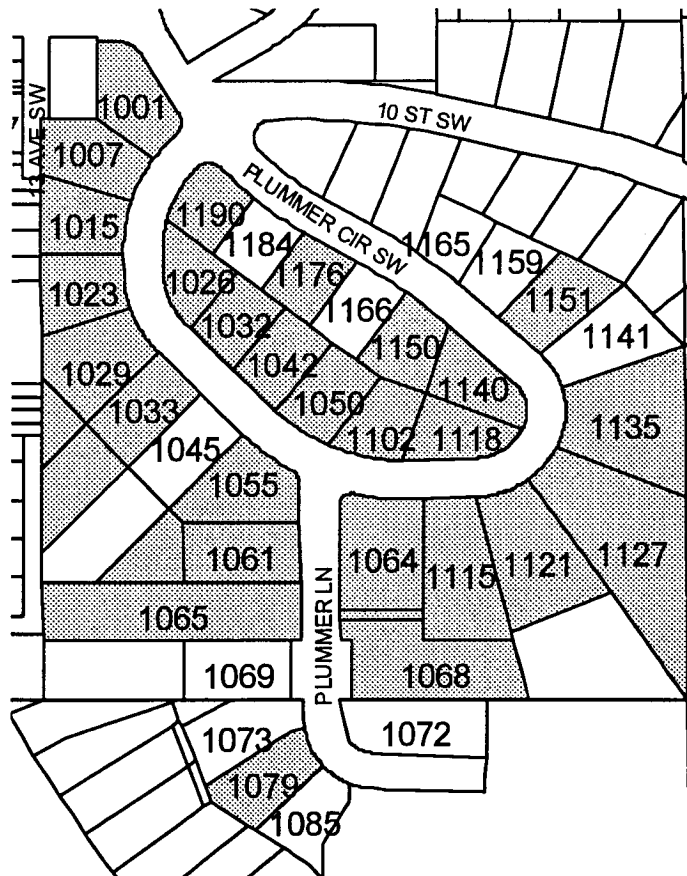
DATE:

11-17-03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-9
ITEM DESCRIPTION: Plummer Circle & Plummer Lane SW, remove parking restriction 9 AM to 10 AM Monday through Friday	PREPARED BY: <i>D. Kramer</i> D. Kramer <i>DPK</i>	

A parking restriction was established in 1992 on Plummer Circle SW and Plummer Lane SW indicating No Parking, 9 AM to 10 AM Monday through Friday. The restriction was apparently established during a period of heavy construction at St. Mary's Hospital, in an effort to prevent construction workers from parking in the neighborhood.

A petition has been received requesting that this parking restriction be removed, including signatures from 27 of the 37 residences, or 73%. Some of the residences provided multiple signatures. The address for one signature could not be verified (apparently the individual moved). Petitioning residences are shaded on the map below.



COUNCIL ACTION REQUESTED:

Approve a resolution to amend Section B "No Parking" of the Comprehensive Traffic and Parking Resolution, deleting paragraph 316 (Plummer Circle SW, on both sides, from 9:00 AM until 10:00 AM, Monday through Friday) and deleting paragraph 316.2 (Plummer Lane SW, on both sides, from Plummer Circle to cul-de-sac, from 9:00 AM until 10:00 AM, Monday through Friday).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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9/7/03

Petition to Remove "No Parking 9 a.m. to 10 a.m. Mondays-Fridays" Signs from Plummer Circle and Lane

We understand the "No Parking 9 a.m. to 10 a.m. Mondays-Fridays" signs were placed on Plummer Circle and Lane some years ago during a period of heavy construction at Saint Marys Hospital. This was done as an effort to prevent construction workers from parking in the neighborhood during the day on the streets and particularly to reduce traffic at the time the children returned home from school by bus and foot.

We understand that there is no real risk of such parking now and that recent enforcement of the parking signs has resulted in residents' cars being ticketed. The signs are no longer necessary and in fact are now a nuisance.

We the undersigned petition for the removal of the "No Parking 9 a.m. to 10 a.m. Mondays-Fridays" signs from Plummer Circle and Lane.

#	Name	Address	Phone
1	Karen Prieto	1055 Plummer Circle	529-8673
2	Neri Miquelatoe	1127 PLUMMER CIR SW	252-8079
3	Bob Jacobson	1029 Plummer Cir SW	281-1866
4	Jean Poland	1079 Plummer Ln SW	280-0474
5	JETTY LEE	1023 " Cir SW	289-9201
6	Charles Connelly	1015 Plummer Cir	281-2538
7	Bill Clibby	1050 Plummer Circle	282-8233
8	Victoria Greco	1050 Plummer Circle	282-8233
9	Greg Shepard	1121 Plummer C.	288-3336
10	Marie Austin	1029 Plummer Cir SW	281-1866
11	Steve Krause	1033 Plummer Circle	281-2879
12	Shirley Krause	1033 Plummer Cir	281-2875
13	Nate Natuse	1151 Plummer Cir	286-9259
14	Ed Greenow	1007 Plummer Cir	288-7805
15	Erin Larson	1042 Plummer Cir	288-3321
16	Marion Erickson	1102 Plummer Circle	289-6167
17	Rob McCully	1115 Plummer Circle	289-7820
18	Alyson Lucas	1135 Plummer Cir.	288-9641
19	Robert J. Snyder	1065 Plummer Ln	289-0272
20	Karen Nelson	1064 Plummer Ln	288-0402

9/7/03

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Petition to Remove "No Parking 9 a.m. to 10 a.m. Mondays-Fridays" Signs from Plummer Circle and Lane

We understand the "No Parking 9 a.m. to 10 a.m. Mondays-Fridays" signs were placed on Plummer Circle and Lane some years ago during a period of heavy construction at Saint Marys Hospital. This was done as an effort to prevent construction workers from parking in the neighborhood during the day on the streets and particularly to reduce traffic at the time the children returned home from school by bus and foot.

We understand that there is no real risk of such parking now and that recent enforcement of the parking signs has resulted in residents' cars being ticketed. The signs are no longer necessary and in fact are now a nuisance.

We the undersigned petition for the removal of the "No Parking 9 a.m. to 10 a.m. Mondays-Fridays" signs from Plummer Circle and Lane.

#	Name	Address	Phone
21	Wanda [unclear]	1190 Gale	282-1974
22	[unclear]	1176 " "	281-3424
23	Hele		
	S. [unclear]	1180 Plummer Circle	282 1974
	[unclear]	1032 Plummer Circle	282-1242
	Brian [unclear]	1026 Plummer Circle	287-6943
	[unclear] S. [unclear]	1115 Plummer Circle	289-7820
	[unclear]	1127 Plummer Circle SW	282-8079
	Ellen Thelwell	1140 Plummer Cir SW	281-1566
	Arny Casper	1151 Plummer Cir	286-7259
	Donna [unclear]	1061 Plummer La	282-2196
	Margaret Lucas	1135 Plummer Cir	288-9641
	W. B. Northcutt	? Plummer Circle	288-6876
	Ann Groves	1065 Plummer Lane	289-0272
	Arman [unclear]	1068 Plummer Cir SW	289-2131
	Bob Nelson	1064 Plummer Lane SW	288-0402
	[unclear]	1032 Plummer Circle	282-1242
	Scott [unclear]	1118 Plummer Circle	280-6051
	Angie Green	1150 Plummer Circle SW	289-8937
	William [unclear]	1176 SW Plummer Circle	281-3424

1835 Tiffany
Cove SW?

Petition to Remove “No Parking 9 a.m. to 10 a.m. Mondays-Fridays” Signs from Plummer Circle and Lane

REQUEST FOR COUNCIL ACTION

MEETING

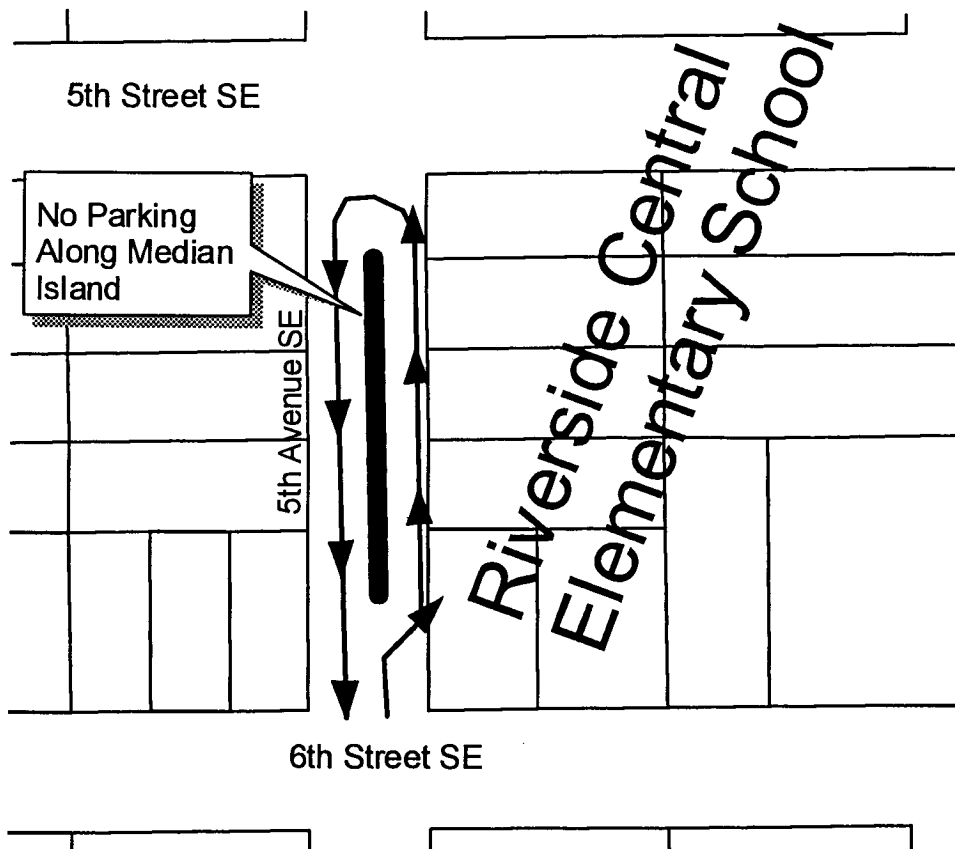
DATE: 11-17-03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-10
ITEM DESCRIPTION: 5 th Avenue SE at Riverside Central Elementary, establish No Parking along the median island.	PREPARED BY: <i>gn</i> D. Kramer <i>gn</i>	

During the 2003 construction season, a median island was constructed on 5th Avenue SE between 5th Street and 6th Street (on the west side of Riverside Central Elementary School). Through curbing and sidewalk, 5th Avenue is closed to vehicles at 5th Street. This essentially makes 5th Avenue a loop on the west side of the school, accessible from 6th Street. The purpose of the loop is to facilitate student drop-off and pick-up.

5th Avenue was designed for one parking lane and one thru lane in the loop. However, vehicles sometimes also park in the thru lane, completely obstructing traffic flow. Staff recommends that the median island be posted "No Parking This Side".



COUNCIL ACTION REQUESTED:

Approve a resolution to amend the Comprehensive Traffic and Parking Resolution to add paragraph 120.7 to Section B "No Parking" as follows:

(120.7) 5th Avenue SE between 5th Street and 6th Street, along the median island, at all times.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

h7

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11-17-03

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AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

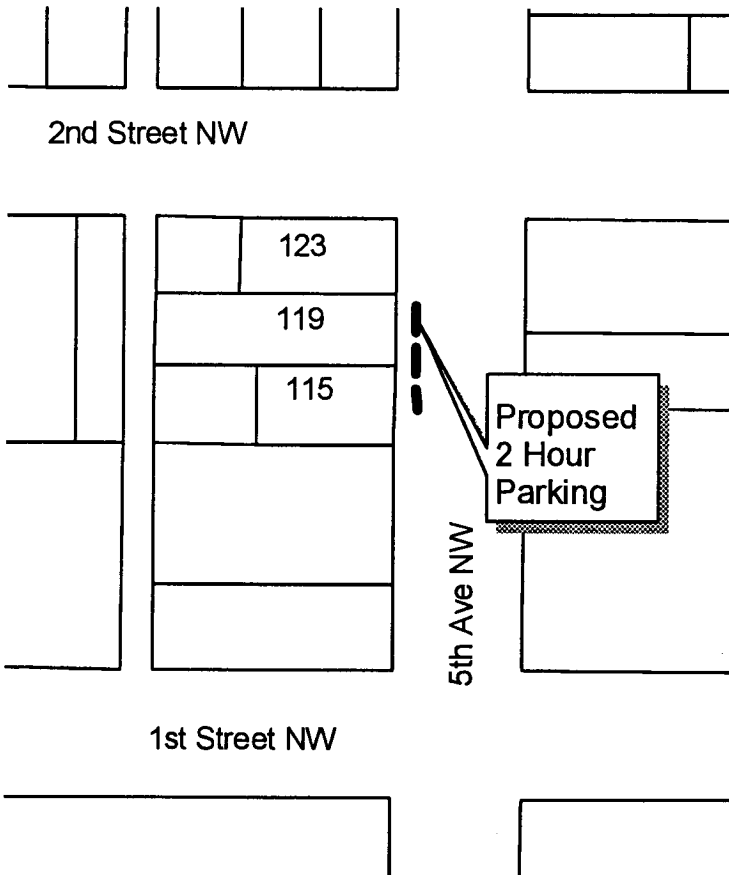
D-11

ITEM DESCRIPTION: 2 Hr Parking zone at 119 5th Avenue NW**PREPARED BY:**

D. Kramer DPK

Ms. Gina Dilly has requested three 2-hour parking spaces in front of 119 5th Avenue NW to accommodate her youth counseling services. There is currently a 15-minute passenger loading zone (serving 123 5th Ave NW) to the immediate north of the proposed 2-hour parking zone; otherwise the street is currently unrestricted free parking. The street is typically full of all-day parkers on weekdays.

Ms. Dilly owns 115, 119, and 123 5th Ave NW.

**COUNCIL ACTION REQUESTED:**

Approve a resolution to amend the Comprehensive Traffic and Parking Resolution to add paragraph 3.25 to Section H "Zone F – 2 Hour Parking" as follows:

- (3.25) 5th Avenue NW on the west side, from a point 35 feet more or less south of 2nd Street NW to a point 105 feet more or less south of 2nd Street NW, 8:00 AM to 6:00 PM Monday through Friday.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

11/17/03

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AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-12

ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENT**PREPARED BY:**

M. Baker

The Department of Public Works has received a request for one (1) property, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for this property and has determined that there is support for participation. The Owner has requested voluntary participation in the City's Plan, with the applicable participation fee as follows:

- Rochester Area Builders, Inc.
(SDP #03-64)

\$ 4,251.46

The Owner has already provided payment for its respective charge. These funds will be deposited upon acceptance by the Council for the property to participate in the City's Plan.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting voluntary participation in the City's Regional Storm Water Management Plan (SWMP), by the above noted property.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING 51 11-17-03 /
DATE:

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. D-13
ITEM	AMENDMENT #1 TO 2003 ROCHESTER CITY LINES CONTRACT		PREPARED BY: A KNAUER <i>AK</i>

This is a request to amend the 2003 Rochester City Lines contract. The company is reimbursed on a deficit basis. Expenses and revenues are tracked monthly. Towards the end of third quarter it was noted that specific expenses items are over budget including driver and mechanic expense, health insurance and fuel costs. For the same period revenues are also surpassing budget projections but not enough to meet the additional expense. The budget provides for a deficit of \$1,407,755. Current projections show a deficit at year end of \$1,431,411 for a difference of \$23,656.

At this time there appears to be federal and State funds available under contract to cover most of this deficit. Actual projections based on the first 9 months show that the program could exceed available funds by approximately \$8,000. A hearing for a fare increase will be held on November 17, 2003. Some of the increases will be effective December 1, 2003 and should fill this gap.

The contract and any amendments are subject to the availability of federal and State funds.

REQUESTED COUNCIL ACTION

Adopt the prepared resolution amending the 2003 contract with Rochester City Lines increasing the maximum reimbursement for the operating deficit to \$1,431,411 subject to available State and federal funding.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

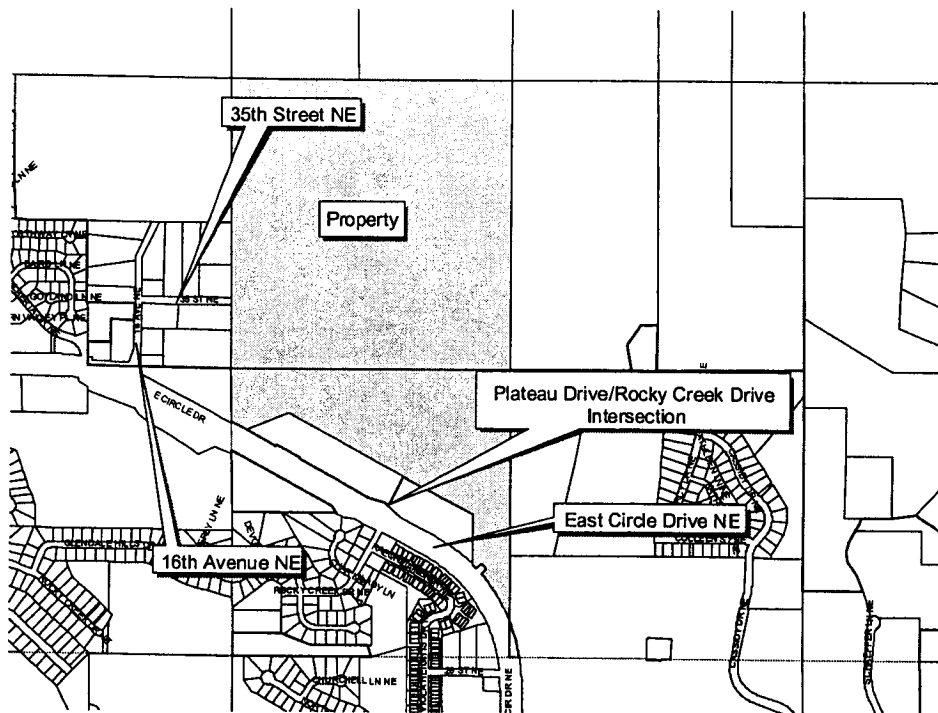
DATE: 11/17/03

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AGENDA SECTION: Consent	ORIGINATING DEPT: Public Works	ITEM NO. D-14
ITEM DESCRIPTION: Amendment to the Stonehedge Development Agreement		PREPARED BY: M. Nigbur

The Owners of the Stonehedge Development and the City Staff have had discussions relating to amending the development agreement due to changes related to Secondary Access, Real Estate Dedication, and storm water management. Based on the discussions, the content for an amendment has been decided and a document has been created.

Staff recommends the Council approve the amendment to the Stonehedge Development Agreement. The developers have executed the Development Agreement.

**COUNCIL ACTION REQUESTED:**

Authorize the Mayor and City Clerk to execute the First Supplemental Amendment to Development Agreement for Stonehedge Development with Stonehedge Development LLC.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

5A

REQUEST FOR COUNCIL ACTION

MEETING 55 /
DATE : 11/17/2003

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: WATER RECLAMATION PLANT	ITEM NO: D-15
ITEM DESCRIPTION: Minnesota Environmental Science and Economic Review Board (MESERB) – Amendments to the Joint Powers Agreement		PREPARED BY: Lyle J. Zimmerman <i>[Signature]</i>

Rochester has been a member of the Minnesota Environmental Science and Economic Review Board (MESERB) since it was established. MESERB was organized to ensure that environmental regulations imposed on cities are reasonable and based on current science.

During a meeting on October 24, 2003 in New Ulm the membership approved amendments to the Joint Powers Agreement. These amendments must be ratified by the governing unit of all members before the amendments become effective. In summary these amendments include:

1. **Other Committees.** The joint powers board may establish other committees made up of city officials and others to develop and implement methods and programs in furtherance of this Agreement, and to communicate information and findings to governmental bodies and agencies, the public, and other interested parties.
2. **Bylaw.** The joint powers board may adopt appropriate bylaws governing the conduct of the board.
3. **Associate Members.** The joint powers board may establish a non-voting associate membershi category along with corresponding application procedures and charges for governmental entities, businesses an, and others interested in participating in the organizations programs.

COUNCIL ACTION REQUESTED

It is requested that approval be given for the proposed amendments to the Minnesota Environmental Science and Economic Review Board Joint Powers Agreement.

COUNCIL ACTION: Motion by: _____ Second by: _____ To: _____

REQUEST FOR COUNCIL ACTION

MEETING

B

DATE: 11/17/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administration	ITEM NO. D-16
ITEM DESCRIPTION CDBG Contingency Transfer Request by RADAR		PREPARED BY: T. Spaeth

Council member Stobaugh recently received a letter from representatives of RADAR, requesting assistance of \$1200 for the room rental related to their annual 9-Ball Classic Wheelchair Tournament.

For the past several years, RADAR has been a recipient of CDBG funding to assist with this endeavor. For 2004, RADAR, along with other non-profit agencies, did not receive a CDBG appropriation. At this time, there is a balance of approximately \$26,000 in the CDBG Contingency Account. If the Council so desires, an appropriation of \$1200 to RADAR to go into their 2003 activity account could be approved at this time.

Council Action Requested:

Approval of \$1200 from CDBG Contingency to RADAR, as a 2003 activity.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

R.A.D.A.R.

539 North Broadway Avenue, #117

Rochester, MN 55906-3601

507/280-6995 Voice / TDD 507/292-8798 Fax

E-mail address: radarsports@aol.com

Mr. Walter Stoubaugh
 Rochester City Council Member
 1415 Damon Ct. S E
 Rochester, MN 55906

November 1, 2003

Greetings:

January 2003 saw RADAR hosting its Fourth Annual RADAR 9-Ball Classic Tournament in the Ballroom of the Radisson Plaza Hotel. The RADAR 9-Ball Classic Tournament is sanctioned through the National Wheelchair Poolplayer's Association.

As in the past, this tournament brought together players from all across the country to play in the first tournament of the year. All players competing for a total of \$5,000 in prize money and plaques. Players came from as close as Rochester, Stewartville, & Winona; and as far away as Atlanta GA, Garden Grove & Grass Valley CA, and Tampa FL. Many came from the warmer climates to participate in this tournament held here in Rochester, in January.

The best part of the tournament is that it continues to give individuals from the Midwest, including those from the Rochester, Southeastern Minnesota and Midwest region, an opportunity to play in a national tournament with out having to travel far. Many of the other tournaments are held on either coast, or in the southern part of the states, which entails much more travel. Several of the regional players, had been members of the NWPAA for some time, but were unable to compete in any of the other tournaments, due to the travel distance and expense.

The RADAR 9-Ball Classic continues to be the first sanctioned tournament of the new year and again for 2004 has been designated as the first in a series of the three tournaments established as the "Triple Crown" of wheelchair pool tournaments. The designation of being one of the "Triple Crown" tournaments was given to three tournaments with a total of \$5,000 or more in prize money. This is quite an honor!

Proudly, we write this to you today, to let you know that plans currently are being made for the 2004 tournament. Our goal is to have a full 32-player field for the main tournament. Again, as an added challenge, plans are to have several "mini-tournaments" that the players will be able

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Page 1 of 2

to participate in when they are not playing in the other tournament. These "mini-tournaments" are open participation by anyone. These will be an additional way to raise funds for this event, but will also give the players and opportunity to be matched up with other players that they may not meet in the main tournament.

The successes of the past tournaments were accomplished due to the wonderful support of the RADAR Board of Directors, and so many local groups and businesses, which supported them. We would like to take this time to thank you for your support of the 2003 event. We would like to request your support to make this next tournament another success and to offer the same opportunity to others.

The 2004 RADAR 9-Ball Classic Wheelchair Tournament will be held January 30 - February 1, 2004. It will be held at the Radisson Plaza Hotel in the Ballroom (skyway level). The tournament was moved last year to assist players and to hopefully more observers. It was very successful and well received thus our commitment to the same site for this upcoming event.

The past several years, the City of Rochester supported this opportunity and event, in the amount of the costs of the rental of the Ballroom at the Mayo Civic Center in the amount of \$1,260. For the 2003 event we moved to the Radisson Plaza Hotel - Ballroom. This assisted in allowing players an opportunity to return to their rooms to rest or tend to other issues between rounds. We were more consolidated, along with the movement of the D&R tournament, we moved in an effort to attract more visibility for our players.

Please take a moment to consider the possibility of the City's continued support to assist in this opportunity. If you would be so kind, it would be greatly appreciated if you would take it to the City Council for discussion, review and our hopes, approval of support in the amount of the estimated room rental of \$1,200. Once a decision is made, a letter or some notice of approval / commitment would be greatly appreciated.

Please feel free to contact me with any questions, concerns, or to discuss your options for support of this event. Thank you for your time and consideration of your support for this tournament. We look forward to hearing from you in the near future.

Sincerely,



Loretta Verbout
RADAR Executive Director

Enclosure

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Page 2 of 2

REQUEST FOR COUNCIL ACTION

MEETING **E**
DATE: 11/17/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-17
ITEM DESCRIPTION: TRANSFER OF ON SALE & SUNDAY INTOXICATING LIQUOR AND DANCE LICENSE FOR THE COMFORT INN		PREPARED BY: DONNA J SCHOTT

Application for the transfer of the On Sale and Sunday Intoxicating Liquor and Dance Licenses has been received from The Phoenix Hotel LLC for the Comfort Inn located at 1625 South Broadway, Rochester, Mn. 55904. The former management was by MPLS Hotel LLC from Sioux Falls SD who was awarded the receivership through bankruptcy.

The Phoenix Hotel LLC is requesting the transfer be effective immediately. Transfer of the licenses would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the transfer of the On Sale and Sunday Intoxicating Liquor and Dance License for the Phoenix Hotel LLC from MPLS Hotel LLC.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 11-17-03

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AGENDA SECTION:
CONTINUED PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM NO.

E-1

ITEM DESCRIPTION: Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat. The applicant is proposing to re-subdivide Lot 1, Block 1, Chateau Subdivision into 2 lots for development. The property is located along the north side of East Circle Drive NE (CSAH 22), east of TH 63 and is the property where the Chateau Theatre is located.

PREPARED BY:
Theresa Fogarty,
Planner

November 12, 2003

Planning Department Review:

See attached staff report dated August 26, 2003, recommending approval subject to the following conditions:

1. *Grading and Drainage Plan for the development of the vacant proposed Lot 2, Block 1 shall be determined at the time of Site Plan Development Review. A Storm Water Management charge will be applicable to the development of Lot 2, Block 1, for any increase in impervious surface, if on-site detention is not provided.*
2. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
3. *Gravity flow Sanitary Sewer is not currently available to serve Lot 2, Block 1. The Owner shall be required to extend utilities through a City-Owner Contract, or shall execute a Contribution Agreement to address its obligations regarding the cost for the City to extend utilities.*
4. *There are items regarding landscaping and stabilization of the rock face that were required by previous Site Development Plan approval for this property, that to date have not been completed. The applicant is required to complete its obligations prior to Site Development Plan approval for Lot 2, Block 1.*

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

Attachments:

1. Staff report, dated August 28, 2003.

Note: The owner has requested that this item be continued to the next meeting
J. N.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, November 17, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

November 12th 03

Mr Gary Neumann,
Assistant City Administrator,
City Hall,
201, 4th St SE,
Rochester,
Mn 55904

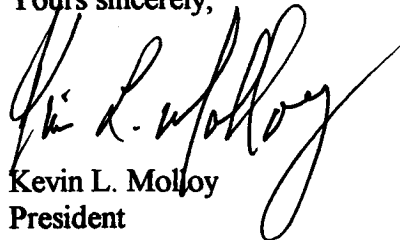
Dear Gary,

Chafoulias Companies appreciate the City Council continuing the request of GAC Theatres Inc with regard to the replat of the Chateau Theatres lot.

As I explained to you verbally we need more time to develop an equitable plan for the lot. Therefore we are not yet ready to submit the request for next Monday's, November 17th, meeting of the Council.

Due to travel schedules, we have not been able to get together to discuss the various options available. We would appreciate a further two weeks continuance from the City Council at the November 17th meeting.

Yours sincerely,



Kevin L. Molloy
President
Marquis Hospitality
a Division of Chafoulias Companies

REQUEST FOR COUNCIL ACTION

61 /
MEETING

DATE: 11-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Type III, Phase II Amendment #03-01 to the Final Plan which covers the Apache Mall Shopping Center, to allow for the construction of a freestanding restaurant in the location of demolished Montgomery Wards Auto Store by Romano's Macaroni Grill. The proposal is to construct a 6,820 square foot building. The property is located north of 16 th Street SW, west of Apache Drive SW and east of Highway 52.		PREPARED BY: Mitzi A. Baker, Senior Planner

November 12, 2003

City Planning and Zoning Commission Recommendation:

On October 25, 2003 the City Planning and Zoning Commission held a public hearing to this application. The Commission recommended approval 7-0, subject to the following conditions:

1. *Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.*
2. *If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction.*
3. *Grading Plan approval is required, prior to construction.*

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying request based upon the criteria included in the staff report.*

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 pm in the Council/Board Chambers at the Government Center on Monday November 17, 2003.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

WY 52 & BALEW RD
ROCHESTER, NH
ST005 311

**Romano's
Macaroni
GRILL**

DO NOT SCALE DRAWINGS.
CONTRACTOR TO VERIFY
ALL EXISTING CONDITIONS AND
DIMENSIONS—HURRY MOORE
OF ANY DISCREPANCIES PRIOR
TO BEGINNING CONSTRUCTION.

LOCATION MAP

OVERALL SITE PLAN

DOCUMENT ISSUED

POL 450

NO REVISION

POST 843

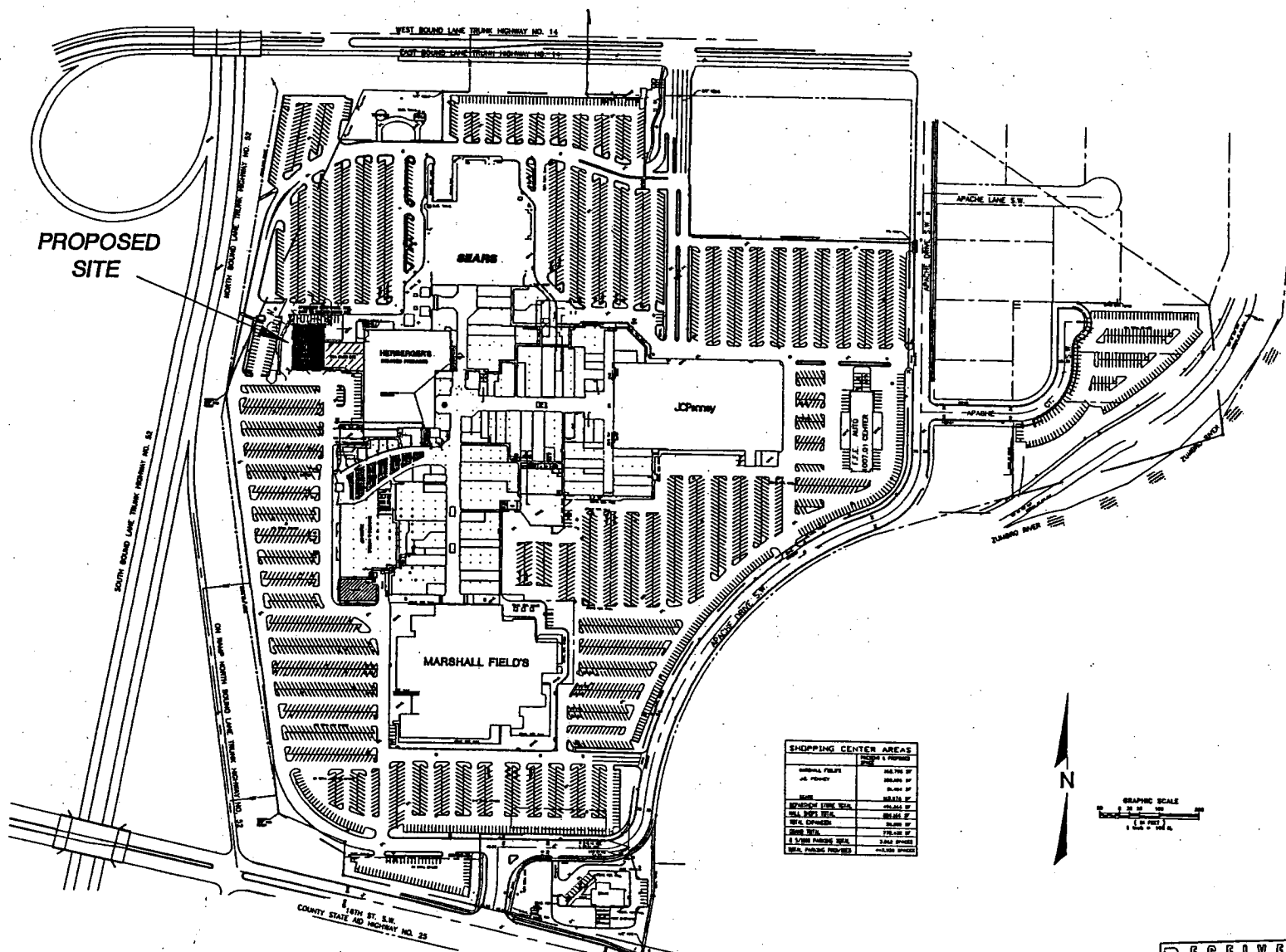
NO. REVISION

PROJECT NUMBER

PROJECT NUMBER
030773.007

SHEET NUMBER

Layout1

[illegible]

SHOPPING CENTER AREAS	
	POPULATION & PROPERTIES
BRIMLEY PARK	262,706 SF
J.C. PENNEY	222,000 SF
	25,000 SF
ROCK	242,774 SF
WATSON & STONE TRAIL	492,000 SF
WALL STREET TRAIL	282,000 SF
WYOMING EXPANDED	25,000 SF
STONE TRAIL	772,000 SF
2 1/2-STORE PARKING TRAIL	2,000 SQUARE
WYOMING PARKING TRAIL	200,000 SQUARE

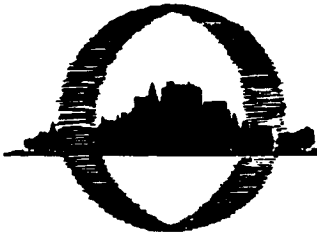
GRAPHIC SCALE

0 20 40 60 80 100

(IN FEET)

1 inch = 100 ft.

RECEIVED
SEP 24 2003
ROCHESTER OLIMSTED
PLANNING DEPARTMENT



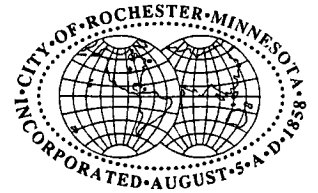
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: October 16, 2003

RE: Type III, Phase II Amendment #03-01 to the Final Plan which covers the Apache Mall Shopping Center, to allow for the construction of a freestanding restaurant in the location of demolished Montgomery Wards Auto Store by Romano's Macaroni Grill. The proposal is to construct a 6,820 square foot building. The property is located north of 16th Street SW, west of Apache Drive SW and east of Highway 52.

Planning Department Review:

Petitioners: Romano's Macaroni Grill
6820 LBJ Freeway
Dallas, TX 75240

Owner: General Growth Properties, Inc.
110 North Wacker
Chicago, IL 60606

Surveyor/Engineer: Yaggy Colby Associates
717 SE 3rd Avenue
Rochester, MN 55904

Report Attachments: 1. Referral Comments
2. Reduced Copy of Proposed Amendment

PUD History: The Apache Mall Shopping Center PUD was approved in July of 1971. The Apache Mall Shopping Center was amended in 1985 allowing the addition at the northwest corner of the J.C. Penney building and 1990 for the Sears Addition providing a total of 733,135 square feet of gross floor area. An amendment was approved in 2000 to facilitate additions to the west side of the building, that include the Barnes & Noble book store. The expansion increased the size of the mall by 31,000 square feet. Demolition of the theatres and modifications to the parking lot were approved at that same time. As a result of the additions and

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



CA

demolition approved in 2000, the new total gross leasable area (GLA) of the mall was 754,135 square feet. In 2000, the City Council also approved a request to calculate parking requirements for the Mall at 4.5 stalls per 1,000 s.f. instead of the standard 5 stalls per 1,000 s.f. as would have been required by the LDM. The approved Plan identifies 3,763 parking stalls, including 216 stall located off-site. At the ratio of 4.5/1,000 3,393 stalls were required.

The current proposal will add 6,820 sq. ft. to the property, for a total 760,955 square feet (GLA). At the ratio of 4.5 parking stalls per 1,000 sq. ft., 3,424 parking stalls would be required. According to the calculations provided in 2000, 3,763 parking spaces were provided. The 2003 amendment shows an additional 27 spaces, for a total of 3,790 spaces.

Parking calculations on the current (2003) proposal are inconsistent with the numbers provided in 2000. The current proposal suggests that there are 3,938 spaces provided. Though the source of this discrepancy has not been determined, it is apparent that ample parking will be provide based on the more conservative numbers provided in 2000.

Amendment
Summary

Proposed Use:

The applicant is proposing to construct a free standing restaurant with a bar and curb side to-go service in west the Herbergers store. The restaurant is proposed to be located where the Montgomery Ward auto service center was previously located.

Analysis:

The Apache Mall was originally approved under the Community Shopping Center Plans provisions of Paragraph 64.504 of the Zoning Code. When the current Zoning Ordinance and Land Development Manual was adopted in 1992, it eliminated these provisions. The manual, however, does provide for amendments to existing plans. Section 60.326 states that the term Planned Unit Development shall also include Community Shopping Center Plans. According to Section 60.326, amendments to a PUD shall be processed through the Type III, Phase II, hearing process, and according to the regulations applicable to the criteria for restricted developments.

Review Criteria and Suggested Findings:

Amendments to an existing PUD are processed according to the regulations applicable to a conditional use permit and restricted developments. Paragraph 61.146 lists the standards for conditional use permits as follows:

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61.146 **Standard for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:

- 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
The provisions for vehicle loading, unloading, vehicular and pedestrian circulation should not create hazards.
- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
The construction of the a one story restaurant building will be not detrimental to other private development in the neighborhood.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
The proposed amendment should provide adequate protection to neighboring properties from detrimental features.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
This proposal replaces impervious surface with impervious surface and landscaped areas and is not expected to generate increased run off or drainage problems.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
Exterior lighting should not create undue hazards to motorists traveling in the area.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
The proposed development does not appear to create hazards related to site access for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
Not applicable
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
The City previously approved calculating the parking ratio for the Mall at 4.5 spaces per 1,000 square feet. At this ratio, adequate parking will be provided.

Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.

- 61.147 **Conditions on Approval:** In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of paragraph 61.146.
- 62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

1) **Preliminary Development Plan Criteria:**

- a) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
There do not appear to be any capacity concerns related to the public facilities.
- b) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
Not applicable
- c) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
Not applicable
- d) **Residential Traffic Impact:** When located in a residential area, the proposed development:
- 1) Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2) Will not generate frequent truck traffic on local residential streets;
 - 3) Will not create additional traffic during evening and nighttime hours on local residential streets;
The scale of the proposed expansion is not of a magnitude to require the preparation of a traffic impact study. The addition is not expected to impact local residential streets.
- e) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
The scale of the proposed expansion is not of a magnitude to require the preparation of a traffic impact study.
- f) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:

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- 1) Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;
 - 2) Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
The proposed construction of a one story building is compatible with the surrounding development.
 - g) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
The proposed building location would be consistent with permitted uses in the B-4 District.
 - h) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
The proposed project appears to meet adequate building separation to the orientation of the existing buildings, open spaces, and street frontages.
 - i) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
The proposed amendment includes a detailed landscaping plan that includes foundation plantings around the building as well as trees within the parking areas and appears to meet or exceed requirement of the B-4 District.
 - j) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
The City previously approved calculating the parking ratio for the Mall at 4.5 spaces per 1,000 square feet. At this ratio, adequate parking will be provided. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.
 - k) **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.
The proposed use is compatible with the existing uses on the property and the surrounding properties.
- 2) **Final Development Plan Criteria:**
- a) **Public Facility Design:** The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.
Any modifications to the public water system would need to be reviewed and approved by City staff prior to construction.

- b) **Geologic Hazard:** Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.

Not applicable.

- c) **Access Effect:** Ingress and egress points have been designed and located so as to:

1. Provide adequate separation from existing street intersections and adjacent private driveways so that traffic circulation problems in public right-of-ways are minimized;
2. Not adversely impact adjacent residential properties with factors such as noise from accelerating or idling vehicles or the glare of headlights from vehicles entering or leaving the site.

In addition, where the preliminary development plan identified potential problems in the operation of access points, plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

Existing access to the Mall will be utilized to access the restaurant. There should not be any impact to local residential streets.

- d) **Pedestrian Circulation:** The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and activities within the neighborhood area, and where appropriate, accommodations for transit access are provided.

Not applicable.

- e) **Foundation and Site Plantings:** A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.

The project includes a detailed landscaping plan which should enhance the appearance of the surrounding area.

- f) **Site Status:** Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any platting activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.

Not applicable.

- g) **Screening and Bufferyards:** The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the need identified in Phase I for the project.

The outdoor trash storage area will be screened from view.

- h) **Final Building Design:** The final building design is consistent with the principles identified in preliminary development plan relative to Height, Setbacks, and Internal Site Design.

Not applicable.

- i) **Internal Circulation Areas:** Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.

Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length

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shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.

- j) **Ordinance Requirements:** The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.
The proposed development is consistent with the underlying zoning district B-4 with the exception of the number parking stalls being provided.

Staff Review and Recommendation:

The Planning staff has reviewed this request based on the above criteria. The staff finds that this proposal is generally consistent with the above criteria. The staff recommends approval of this request with the following conditions:

1. ***Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.***
2. ***If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction.***
3. ***Grading Plan approval is required, prior to construction.***

Planning Commission Action Required:

The Planning Commission must hold a public hearing and make a motion to recommend approval, approval with conditions, or denial of this request. This recommendation will then be forwarded to the Council. The Council will hold a public hearing on this item at a later date.

70

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 10/9/03

The Department of Public Works has reviewed the application for an AMENDMENT #03-01, to the Apache Mall Shopping Center PUD. The following are Public Works comments on the proposal:

1. If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction.
2. Grading Plan approval is required.

- 71 /
1. **Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations regarding the future construction of pedestrian facilities along the frontage of 11th Avenue NW.**

Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. to allow for the placement of fill in the flood prone area. The proposal is to place fill in the flood prone area to allow for the development of residential lots. The property is located south of 7th Street NW and east of Lake Street NW.

Ms. Mitzi A. Baker presented the staff report, dated October 15, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the third condition listed in the staff report has now been met. The consultant submitted certifications required by the Ordinance.

Mr. Burke moved to recommend approval of Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. with the staff-recommended findings and two conditions (as listed by staff). Mr. Haeussinger seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **Prior to commencing operations on this property, the applicant shall obtain grading plan approval from the City.**
2. **Fill within the existing Floodway, as shown on the proposed grading plan, shall not commence until after a CLOMR (Conditional Letter of Map Revision) has been approved by FEMA.**

PUBLIC HEARINGS:

* **Type III, Phase II Amendment #03-01 to the Final Plan which covers the Apache Mall Shopping Center, to allow for the construction of a freestanding restaurant in the location of demolished Montgomery Wards Auto Store by Romano's Macaroni Grill. The proposal is to construct a 6,820 square foot building. The property is located north of 16th Street SW, west of Apache Drive SW and east of Highway 52.**

Ms. Mitzi A. Baker presented the staff report, dated October 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the condition regarding the parking lot modifications should be something that they can easily accommodate.

Ms. Baker stated that she did not receive any calls or concerns regarding the application.

Ms. Wiesner asked if there would be a drive-up.

Ms. Baker stated that there would only be parking spots reserved for people getting takeouts.

Mr. Quinn stated that there were previous concerns regarding parking compliance. He questioned if there were any concerns now.

Ms. Baker responded no. They have an offsite parking lot as part of the consideration as well. Additionally, the City approved calculating parking requirements for the mall at 4.5 spaces per 1,000 square feet G.L.A. in 2000.

Discussion ensued regarding the off site parking lot being used during the holidays by employees.

Mr. Quinn asked if there were any traffic concerns.

Ms. Baker responded that she did not receive any concerns from City Public Works.

The applicant's representative, Robert Montgomery of Brinker International (located at 6820 LBJ Freeway, Dallas TX 75075), addressed the Commission. He stated that they are proposing the Macaroni Grill at the end of Herbergers (where the old Montgomery Wards was previously located). They will work with staff to adjust the parking. He stated that he was unsure if it was necessary to extend the watermain. The landlord has already brought all the utilities to the site and has covered the pad with asphalt. They agreed to let them do that through the holiday season. They do not plan to begin construction until next spring. They will submit a grading plan for approval.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Type III, Phase II Amendment #03-01 to the Final Plan with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.
2. If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction
3. Grading Plan approval is required, prior to construction.

Land Use Plan Amendment Petition #03-06 and Zoning District Amendment #03-20 by Larry Brown to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" on approximately 2.95 acres of land and rezone approximately 2.95 acres from H (Holding) to B-4 (General Commercial) and approximately 2.95 acres. The property is located along the south side of TH 14 East and east of 40th Avenue SE.

AND

General Development Plan #218 to be known as L.B. Electric by Larry Brown. The applicant is proposing to develop the property with a commercial use. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will

GIA
 Architecture / Engineering
 Parkway Plaza I
 1410 10th Parkway
 Suite 100
 Baton Rouge 70804
 Tel: 504-382-0000
 Fax: 504-382-0001

NOT TO SCALE
 DRAWING
 DATE: 09/24/03
 PROJECT: 030773.007

Macaroni Grill

DO NOT SCALE DRAWINGS
 CONTRACTOR TO VERIFY
 ALL EXISTING CONDITIONS AND
 DIMENSIONS - VERIFY ARCHITECT
 OF ANY DISCREPANCIES PRIOR TO
 BEGINNING CONSTRUCTION

SITE PLAN

DOCUMENT ISSUES
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 NO REVISION

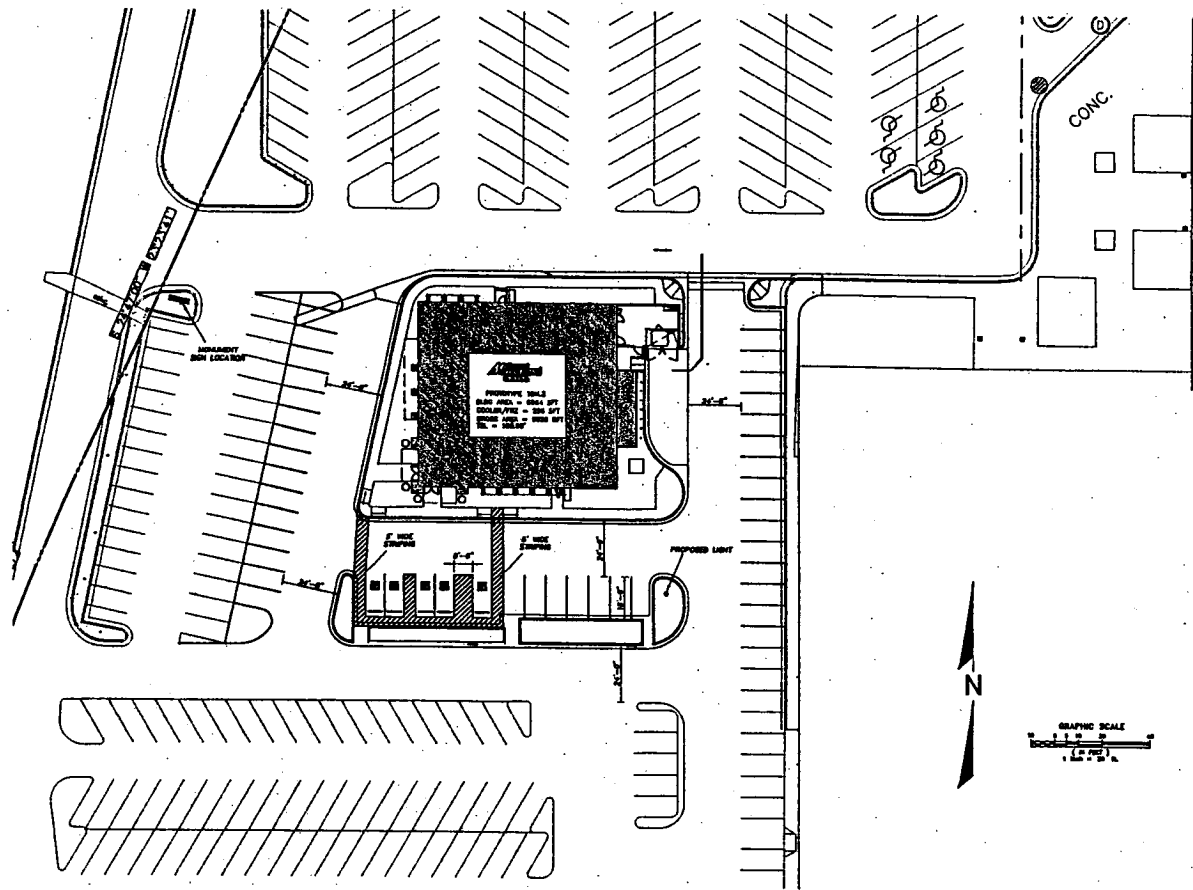
POST 00
 NO REVISION

PROJECT NUMBER
 030773.007

SHEET NUMBER

Layout1

DATE: 09/24/03



NATIONAL SURVEY & ENGINEERING ASSURES NO
 RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS
 ARISING FROM CHANGES OR ALTERATIONS MADE
 TO THIS PLAN WITHOUT THE EXPRESS WRITTEN
 CONSENT OF NATIONAL SURVEY & ENGINEERING

RECEIVED
 SEP 24 2003
 ROCHESTER OLIVESTED
 PLANNING DEPARTMENT

13

GHA

Architecture / Engineering
 Parkway Plaza I
 1440 Lake Parkway
 Suite 100
 Buffalo, NY 14203
 Tel: 716 835-4000
 Fax: 716 835-4001

AV

NOT TO SCALE
 IN FEET
 PROPOSED
 UTILITY
 PLAN

Macaroni GRILL

DO NOT SCALE DRAWINGS
 CONTRACTOR TO VERIFY
 ALL EXISTING CONDITIONS AND
 DISCREPANCIES PRIOR
 TO BEGINNING CONSTRUCTION

UTILITY PLAN

DOCUMENT ISSUES

FILE NO.

NO. REVISION

FILE NO.

NO. REVISION

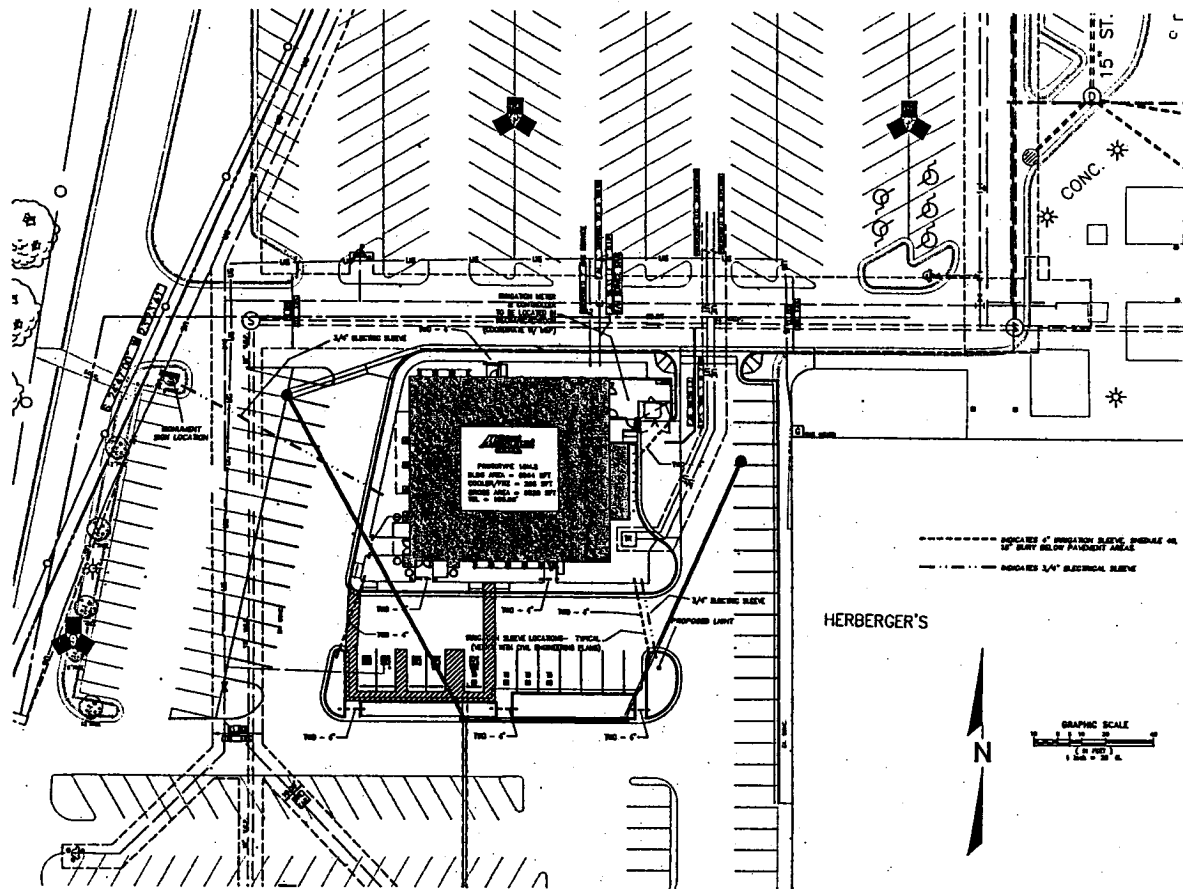
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030773.007

SHEET NUMBER

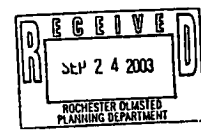
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PRINTED DATE - 02/03/03

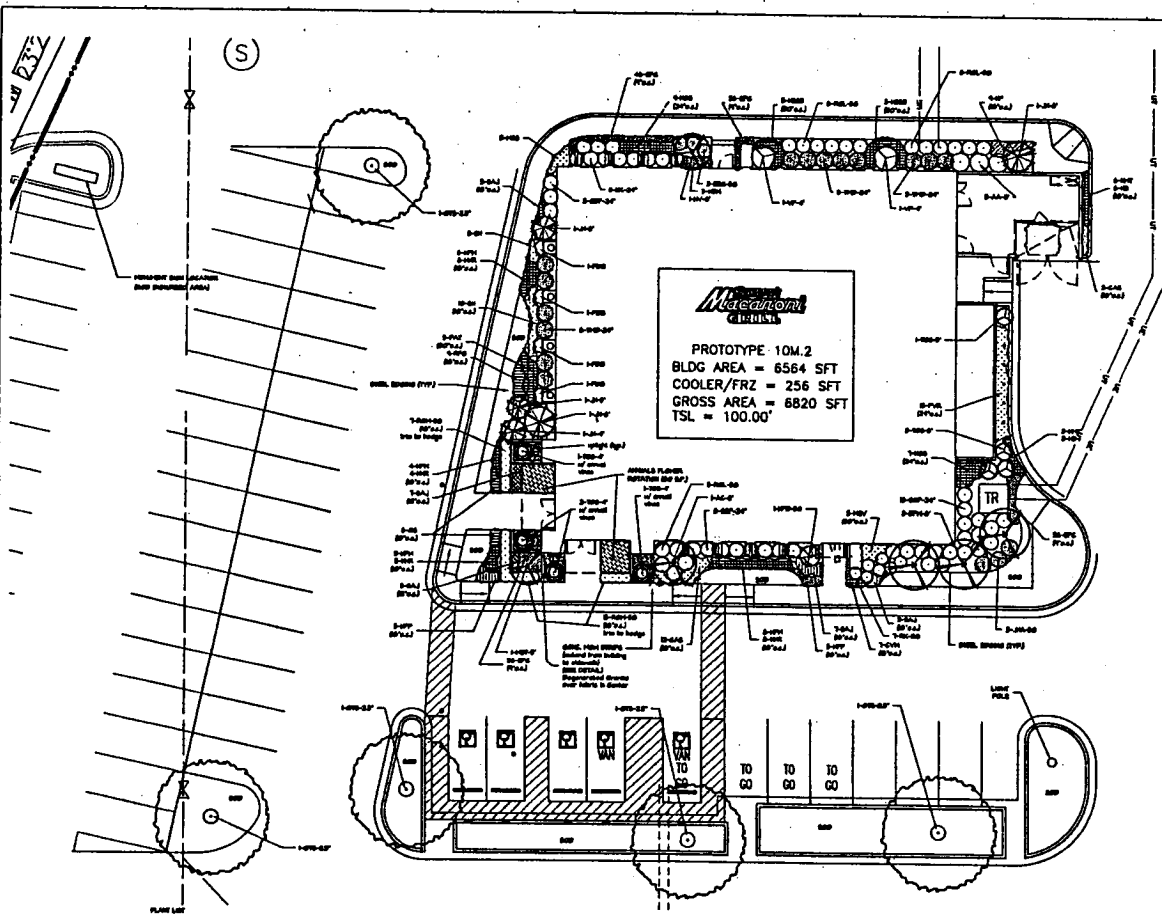


THE LOCATION OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE CHANGES IN EXISTING UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

NATIONAL SURVEY & ENGINEERING ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF NATIONAL SURVEY & ENGINEERING.



030773.007
 02/03/03
 02/03/03



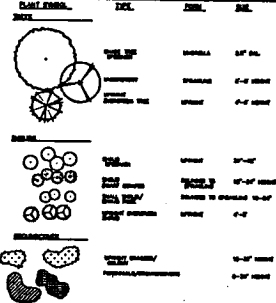
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100	100-01	100-01	1

GENERAL NOTES

1. All work shall be in accordance with the latest edition of the Uniform Specifications for Highway Construction, published by the American Association of Highway Engineers.
2. The Contractor shall be responsible for obtaining all necessary permits and licenses for the work.
3. The Contractor shall be responsible for the safety of all workers and the public during the construction.
4. The Contractor shall be responsible for the protection of all existing utilities and structures.
5. The Contractor shall be responsible for the maintenance of all access roads and easements.
6. The Contractor shall be responsible for the disposal of all waste materials.
7. The Contractor shall be responsible for the cleanup of the work area.
8. The Contractor shall be responsible for the final inspection and acceptance of the work.
9. The Contractor shall be responsible for the payment of all taxes and fees.
10. The Contractor shall be responsible for the completion of the work within the specified time frame.

PLANT LEGEND



LANDSCAPE NOTES

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3. The Contractor shall be responsible for the safety of all workers and the public during the construction.

4. The Contractor shall be responsible for the protection of all existing utilities and structures.

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BRINKER INTERNATIONAL SPECIFICATIONS

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2. The Contractor shall be responsible for obtaining all necessary permits and licenses for the work.

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4. The Contractor shall be responsible for the protection of all existing utilities and structures.

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PLANTER NOTES

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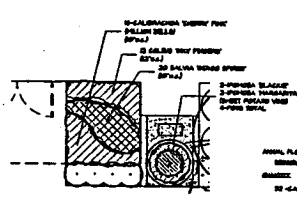
2. The Contractor shall be responsible for the disposal of all waste materials.

3. The Contractor shall be responsible for the cleanup of the work area.

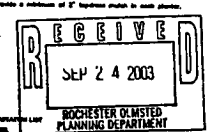
4. The Contractor shall be responsible for the final inspection and acceptance of the work.

5. The Contractor shall be responsible for the payment of all taxes and fees.

6. The Contractor shall be responsible for the completion of the work within the specified time frame.



ANNUAL PLANTING DETAIL (2 Locations)



ANNUAL PLANTING DETAIL (2 Locations)

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LANDSCAPE PLAN



GIA

Architects / Landscape
 Parkway Plaza I
 14110 Parkway
 Suite 100
 Baton Rouge, LA 70804
 Tel: (504) 388-0000
 Fax: (504) 388-0001

PROJECT NUMBER
030773.007

SHEET NUMBER
L-101

DATE
 03-04-03

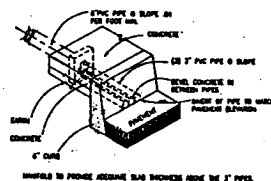
DO NOT SCALE DRAWINGS
 CONTRACTOR TO VERIFY
 ALL DIMENSIONS AND
 LOCATIONS - VERIFY
 ALL DIMENSIONS FROM
 TO BEING CONSTRUCTION

DOCUMENT ISSUES

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[illegible]

(1) (2) U.S. WITH PAUL WALT FOR UNDERGROUND TELEPHONE SERVICE
 DIFFERENCE IN 3-4 HOURS IN UNDERGROUND. SEE THIS 1111
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02 CURB MANIFOLD DETAIL

01 SITE PLAN - MECHANICAL & ELECTRICAL

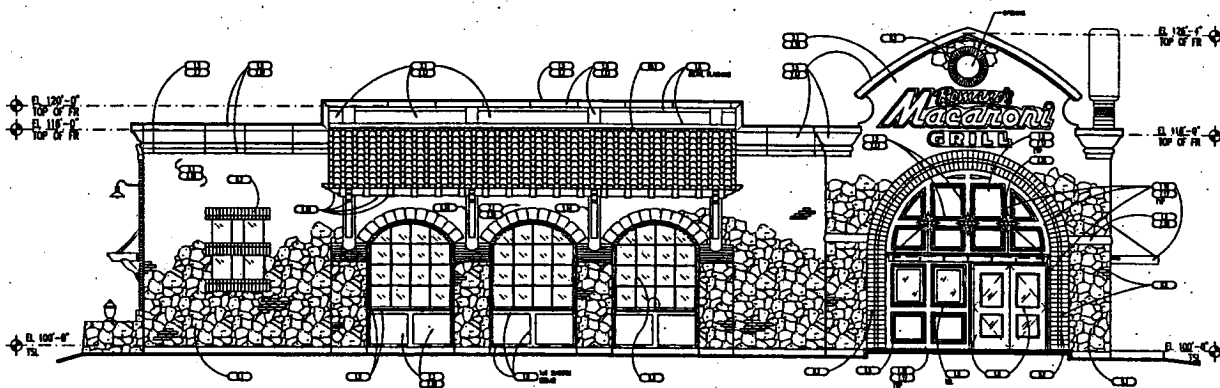
SITE LIGHTING FIXTURE SCHEDULE		
NO.	DESCRIPTION	QTY.
001	300 WATT BULLET FLOODING LOCATE FOR BEST COVERAGE OF MAIN PARKING DECK FROM 40'-0" HIGH PILE: PERMANENT 100'	(1) - 3000 WATT
002	170W ALC. BULB/PAVE FUTURE: 1/2 IMPACT, IMPROVE 1/2 SUBSTANTIAL: WALL MOUNT 0' 12'-0"	(1) - 170W

LIGHTING SUPPLIES, FOR 50' & 30'
 HORIZAL LIGHTING 1200-
 CONTACT: GUY HANSEN
 572-663-7096

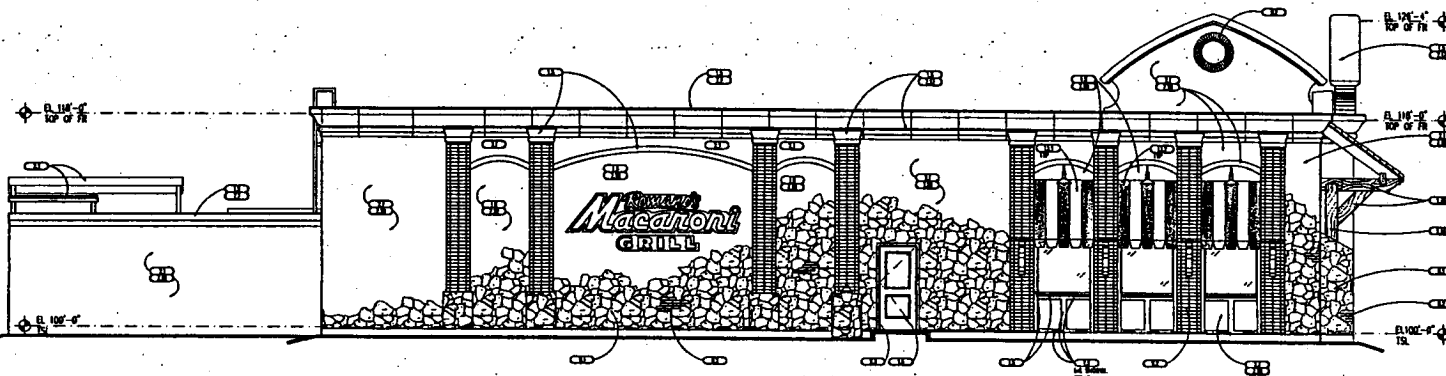
RESPONSIBILITY OF ELECTRICAL UTILITY SERVICE		
	ELECTRIC UTILITY COMPANY	GENERAL CONTRACTOR
PRIMARY CONDUIT	X	-
PRIMARY CONDUCTORS	X	-
TRANSFORMER PAD	-	X
TRANSFORMER OR POLE	X	-
SECONDARY CONDUIT	-	X
SECONDARY CONDUCTORS	-	X

UTILITY COMPANY CONTACTS			
FOR INFORMATION AND COORDINATION OF SERVICE CONTACT THE FOLLOWING:			
UTILITY	COMPANY	REPRESENTATIVE	PHONE
ELECTRIC	ROCHESTER PUBLIC UTILITIES	MIKE ENCEL	247-380-1500
TELEPHONE	QWEST	JOHN DEJESUS	612-961-0119
WATER	ROCHESTER PUBLIC UTILITIES	BOB BOWMANSON	247-380-1500
GAS	ADUNA	--	--
SANITARY SEWER	DEPT. OF PUBLIC WORKS	ANNE STALOGH	247-387-7000
CABLE	COMCAST	BOBIE BYRNE	247-345-8100

RECEIVED
SEP 24 2003
ROCHESTER OLMDST
PLANNING DEPARTMENT



01 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



02 LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

FINISH SCHEDULE			
ITEM NO.	DESCRIPTION	QTY	UNIT
1.0	"WOOD GRAIN" TO 2300 NOV 15/2003		
1.1	"WOOD GRAIN" TO 2300 NOV 15/2003		
1.2	"WOOD GRAIN" TO 2300 NOV 15/2003		
1.3	"WOOD GRAIN" TO 2300 NOV 15/2003		
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1.99	"WOOD GRAIN" TO 2300 NOV 15/2003		
2.00	"WOOD GRAIN" TO 2300 NOV 15/2003		



Architects / Development
Parkway Plaza
1000 State Parkway
Suite 200
Burlingame, CA 94010
Tel: 415-339-0000
Fax: 415-339-0000

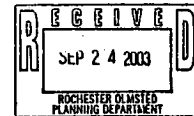
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OF ALL DIMENSIONS PRIOR TO
BEGINNING CONSTRUCTION



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DIMENSIONS. VERIFY ARCHITECT
OF ALL DIMENSIONS PRIOR TO
BEGINNING CONSTRUCTION

DOCUMENT NO.
FILE NO.
NO. REVISION

POST NO.
NO. REVISION



PROJECT NUMBER
030773.007

SHEET NUMBER

A201-P

DATE: 08/28/03

11

12

REQUEST FOR COUNCIL ACTION

MEETING

F

DATE: 11-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
M DESCRIPTION: Type III, Phase III Conditional Use Permit #03-51 by Assisi Heights Animal Hospital. The applicant is proposing to change the use of the MLS Real Estate office, a non-conforming use to Assisi Heights Animal Hospital, a non-conforming use. The property is located on the northwest corner of 11 th Avenue NW and 14 th Street NW.		PREPARED BY: Theresa Fogarty, Planner

November 12, 2003

REVISED

City Planning and Zoning Commission Recommendation:

On October 22, 2003 the City Planning and Zoning Commission reviewed this request.

Mr. Haeussinger moved to recommend approval of Type III, Phase III Conditional Use Permit #03-51 by the Assisi Heights Animal Hospital with the staff-recommended findings. Mr. Dockter seconded the motion. The motion carried 7-0.

1. *Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations regarding the future construction of pedestrian facilities along the frontage of 11th Avenue NW.*

Planning Staff Recommendation:

See attached staff report dated October 16, 2003.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying this request based on the criteria of Paragraphs 61.146 and 65.330.

Attachments:

1. Staff Report dated October 16, 2003.
2. Minutes of the October 22, 2003 CPZC Meeting.

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered some time after 7:00 p.m. on November 17, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



ROCHESTER

Minnesota



H

TO: City Planning & Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: October 16, 2003

RE: Type III, Phase III Conditional Use Permit #03-51 by Assisi Heights Animal Hospital. The applicant is proposing to change the use of the MLS Real Estate office, a non-conforming use, to Assisi Heights Animal Hospital, a non-conforming use. The property is located on the northwest corner of 11th Avenue NW and 14th Street NW.

JUDY SCHERR, CMC

City Clerk

201 4th Street SE, Room 135

Rochester, MN 55904-3742

(507) 285-8086

FAX #(507) 285-8256

Planning Department Review

Applicant:

Assisi Heights Animal Hospital
1111 NW 14th Street
Rochester, MN 55901

David R. Marris
Edina Realty
1301 Salem Road SW
Rochester, MN 55902

Property Location and Size:

The property is 20,550 square feet in size, with 1,410 square feet of building area and is located on the northwest corner of 11th Avenue NW and 14th Street NW.

Zoning:

The property is zoned R-1 (Mixed Single Family) on the City of Rochester Zoning Map.

Adjacent Land Use:

North: The property to the north is the rear yard of a single family dwelling, located within the plat known as Bielenberg & Giese First, zoned R-1 (Mixed Single Family).

West: The property to the west is a bituminous parking lot for St. Pius Church, zoned R-1 (Mixed Single Family).

Adjacent Land Use (Continued):

South: The property to the south is platted as Goodings Addition, zoned R-1 (Mixed Single Family) and developed with single family homes.

East: The property to the east is the open space area for Assisi Heights Convent, zoned R-1 (Mixed Single Family).

Utilities:

Utilities already exist on the site.

Summary of Proposal:

The applicant is proposing change the use of the existing building from a real estate office (non-conforming use) to an animal hospital (non-conforming use).

Service would be limited to the care and treatment of small animals and no boarding services would be provided.

The staff would consist of one full time veterinarian and two full time support staff. Anticipated business hours are 8:00 am to 5:30 pm, Monday through Friday. The hospital may open on Saturdays or Sundays for emergencies.

There are no exterior changes to building proposed, with the exception of lighting changes. The applicant is proposing to add additional landscaping on the site.

Access to the property is from 14th Street NW and 11th Avenue NW.

A total of 18 parking stalls will be provided.

Referral Agency Comments:

Rochester Public Works Department

Attachments:

Copy of Site Plan
Location Map
Referral Comments (1 letter)

Explanation of Application and Review Procedures:

Any nonconforming use of land or structure may be changed to another nonconforming use of the same nature or less intensive nature if no structural alterations are involved. The review of a conditional use is necessary to insure that allowing another nonconforming use will not be detrimental to surrounding property and is such that adverse effects on the occupants and neighboring property will not be greater than if the original non-conforming use continued. Such factors that shall be considered in making the determination on the permit shall include:

- 1) The character and history of the use and of development in the surrounding area.

In 1970 the property use was a gas station. The use changed in 1980 to a real estate office.

- 2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.

The change in use from a real estate office to an animal hospital will not increase any of the above.

- 3) The comparative numbers and kinds of vehicular trips to site.

The proposed use will generate the same amount of traffic, if not less.

- 4) The comparative amount and nature of outside storage, loading and parking.

The proposed use will generate the same amount of storage, loading and parking, if not less.

- 5) The comparative visual appearance.

There are no structural alterations proposed to the exterior of the building, the visual appearance will remain the same.

- 6) The comparative hours of operation.

The hours of operation for the animal hospital remain the same as the existing real estate office.

- 7) The comparative effect on existing vegetation.

The applicant is proposing to provide additional landscaping, which will benefit the appearance and existence of additional vegetation.

- 8) The comparative effect on water drainage.

There is no grading and/or new sewer & water service connections proposed for the change in use. No Grading Plan approval or Development Charges are applicable.

- 9) Other factors which tend to reduce conflicts of incompatibility with the character or needs of the area.

Pedestrian Facilities are required along the frontage of 11th Avenue NW. The Owner shall be obligated to provide the pedestrian facilities with the execution of a Pedestrian Facilities Agreement.

This application proposes to change a nonconforming use (real estate office) with another non-conforming use (veterinary hospital). This request must be reviewed through the Type III review procedure with a Phase III hearing process and is required as a precondition to the issuance of a zoning certificate.

STAFF ANALYSIS:

In reviewing a Type III request the zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless or more of the following findings with respect to the proposed development is made (Section 61.146):

Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.

The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.

The provisions for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.

The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.

The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.

The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.

In cases where Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.

The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are a part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

STAFF RECOMMENDATION:

Staff has reviewed this request in accordance with the provisions of Paragraph 61.146 and Paragraph 65.330 of the Rochester Land Development Manual and is of the opinion that none of the above mentioned findings could be made to warrant denial of the application. Therefore, staff recommends approval subject to the following conditions or modifications:

- 1. Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations regarding the future construction of pedestrian facilities along the frontage of 11th Avenue NW.***

NOTE:

Since there is no grading and/or sewer & water service connections proposed for this change in use, no Grading Plan approval or development charges are applicable.

REQUEST FOR COUNCIL ACTION

MEETING
11-17-03

91 ✓

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. to allow for the placement of fill in the flood prone area. The proposal is to place fill in the flood prone area to allow for the development of residential lots. The property is located south of 7 th Street NW and east of Lake Street NW.		PREPARED BY: Mitzi A. Baker, Senior Planner

November 12, 2003

Recommendation:

The Commission reviewed this Conditional Use Permit on October 22, 2003 and recommend approval subject to the following conditions:

1. *Prior to commencing operations on this property, the applicant shall obtain grading plan approval from the City.*
2. *Fill within the existing Floodway, as shown on the proposed grading plan, shall not commence until after a CLOMR (Conditional Letter of Map Revision) has been approved by FEMA.*

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*

Attachment:

1. Staff Report

Distribution:

1. City Attorney – Legal Description Attached
2. Planning Department File
3. McGhie & Betts, Associates
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday November 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

Note: Conditional Use Permit consultant report sent separately to Mayor & Council due to its length. A.M.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

CUP #03-52
Western Walls
700' Notification Distance
Ward 2 Marcoux
09/30/03

93,

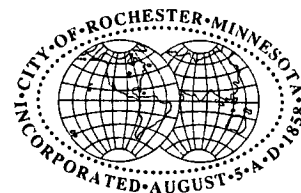


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: City Planning & Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: October 15, 2003

RE: Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. to allow for the placement of fill in the flood prone area. The proposal is to place fill in the flood prone area to allow for the development of residential lots. The property is located south of 7th Street NW and east of Lake Street NW.

Planning Department Review:

Applicant(s): Western Walls
604 11th Ave. NW
Rochester, MN 55901

Engineer/Consultant: McGhie & Betts, Inc.
1648 Third Ave. SE
Rochester, MN 55904

Requested Action: The applicant is proposing to place fill in the Flood Prone District, which requires a Conditional Use Permit.

Location of Property: This property is located south of 7th St. NW, east of Lake St. NW.

Zoning: R-1 (Mixed Single Family) District. This property is also within the Flood Overlay Districts and Shoreland Overlay District.

Referral Comments: NONE

Standards for Approval: Conditional use permits in the Flood Districts are subject to the same standards as every conditional use (see Section 61.146), and some specific conditions related to the Flood Districts (Sections 62.824, 62.834 and 62.860). Activities in the Shoreland Overlay District are subject to specific regulations in Section 62.1000 *et. seq.*

Report Attachments: 1. Excerpts from the Rochester Zoning Ordinance and Land Development Manual



- AA
2. Location Map
3. Application materials (report and plans)

Background & Summary :

The applicant is proposing to modify the existing floodway and 100 year floodplain elevations within this area under separate applications (Zoning District Amendment and applications through FEMA and MN DNR), which will include re-shaping the channel of the creek. In order to prepare the property for development with single family homes some fill is proposed to be placed within the Flood Prone district as identified on the proposed grading plan.

When deciding on a Conditional Use Permit in any flood district, the standards of Sections 61.146 and 62.824 shall be considered. These sections are attached to the staff report. In addition to Sections 61.146 and 62.860 need to be complied with.

Section 62.860 of the LDM states that "the deposition of any fill or spoil from dredging of sand and gravel operations, the construction of any structure, or the grading or paving of any areas shall require certification by a registered engineer or hydrologist that the following conditions have been met:

1. Fill deposited in the flood prone area shall be no more than the minimum amount necessary to conduct the use.
2. No net loss of capacity for surface storage of flood waters shall result from the activity.
3. The effect of such activities in the flood prone area shall not result in an increase in erosion potential on the site.

Recommendation:

If the Commission wishes to make a recommendation, staff would recommend the following conditions or modifications:

- 1. Prior to commencing operations on this property, the applicant shall obtain grading plan approval from the City.***
- 2. Fill within the existing Floodway, as shown on the proposed grading plan, shall not commence until after a CLOMR (Conditional Letter of Map Revision) has been approved by FEMA.***
- 3. Approval is contingent upon the applicant or consultant shall providing certification as required by Section 62.860 of the LDM.***

Planning Commission Action Needed:

Conditional use permits of this sort require City Council approval. The Planning Commission should consider this item (not a public hearing) and make a recommendation to approve, approve with conditions, or deny this request to be forwarded to the City Council. The City Council will hold a public hearing at a later date.

95

EXCERPTS FROM THE ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL

61.145 **Matters Under Consideration:** The review of a conditional use is necessary to insure that it will not be of detriment to and is designed to be compatible with land uses and the area surrounding its location; and that it is consistent with the objectives and purposes of this ordinance and the comprehensive plan.

61.146 **Standards for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:

- 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

62.824 **Conditional Use Permits - Standards for Approval:** When deciding on Conditional Use Permits in any of the flood districts, the following factors, in addition to the standards of Paragraph 61.146 shall also be considered:

- 1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary condition.
 - 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 5) The importance of the services provided by the proposed facility to the community.
 - 6) The need for a waterfront location for the facility.
 - 7) The availability of alternative locations not subject to flooding for the proposed use.
-

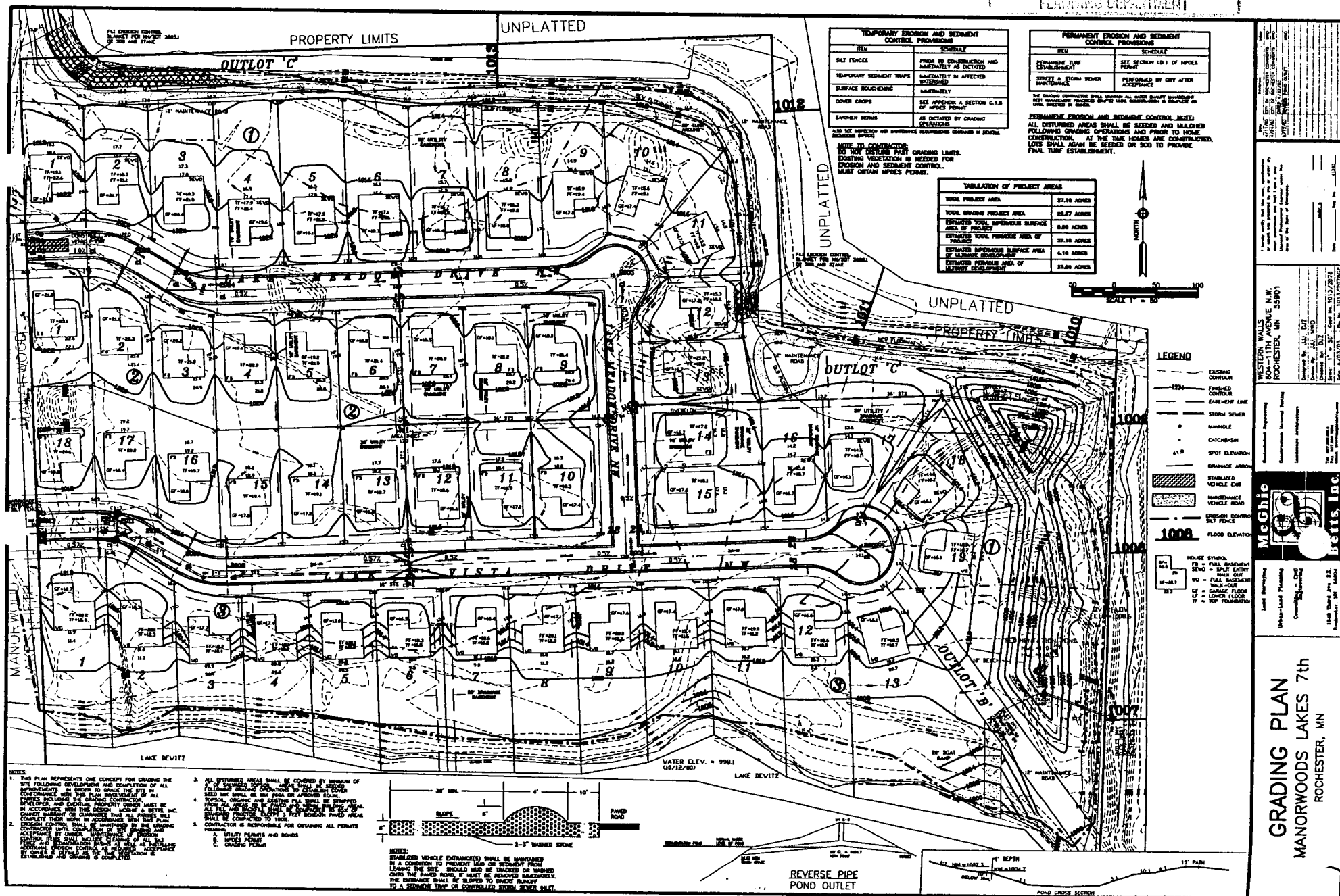
- 94
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - 10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - 12) Such other factors which are relevant to the purposes of Paragraph 62.800.

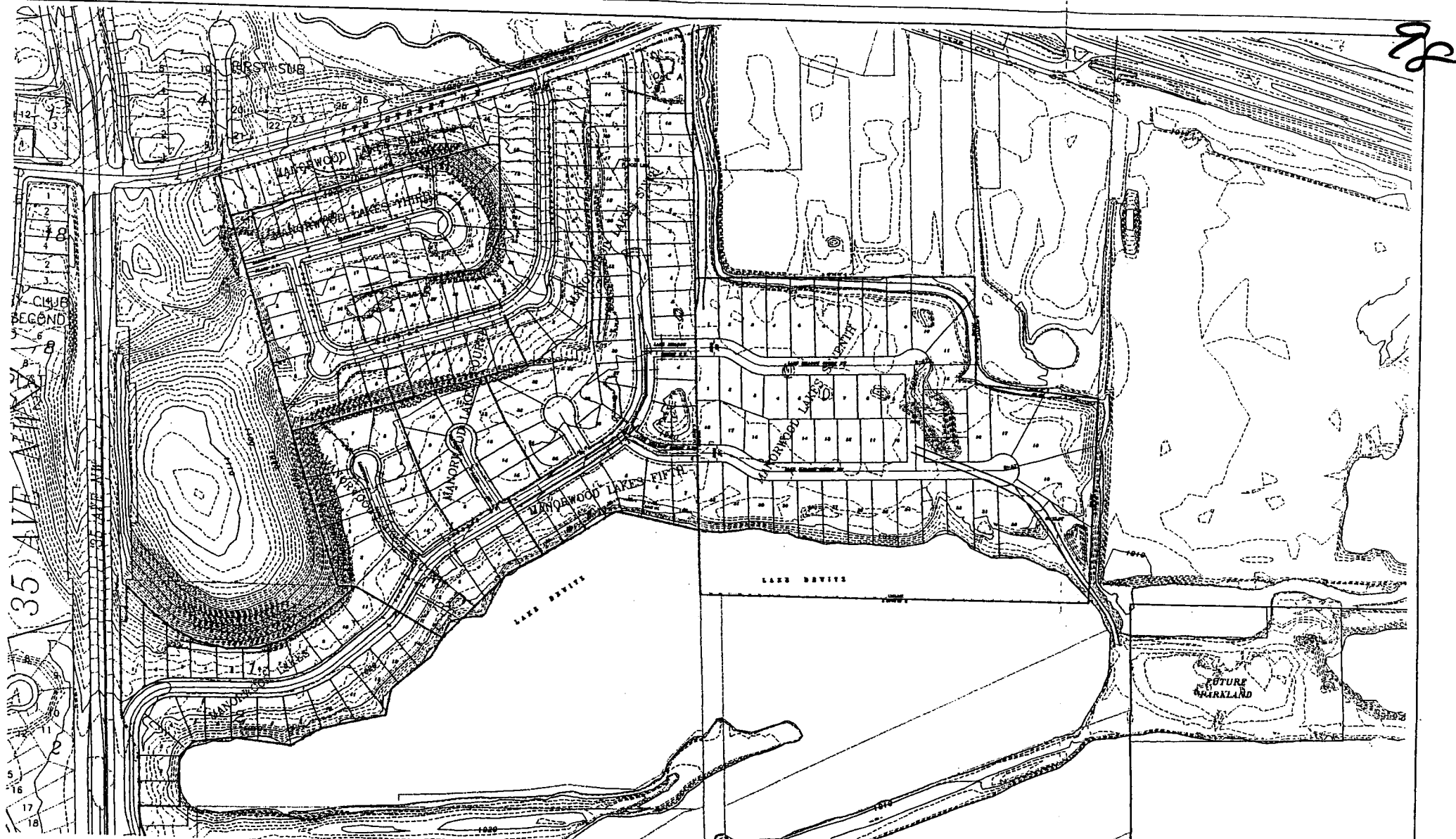
62.860 CONSTRUCTION STANDARDS IN THE FLOOD PRONE DISTRICT

The requirements applicable in the Flood Fringe District, as defined in Section 62.840 shall apply in the Flood Prone District and, in addition, the deposition of any fill or spoil from dredging of sand and gravel operations, the construction of any structure, or the grading or paving of any areas shall require certification by a registered professional engineer or hydrologist that the following conditions have been met:

- 1) Fill deposited in the flood prone area shall be no more than the minimum amount necessary to conduct the use.
 - 2) No net loss of capacity for surface storage of flood waters shall result from the activity.
 - 3) The effect of such activities in the flood prone area shall not result in an increase in erosion potential on the site.
-

UNCLASSIFIED
EVALUATION DEPARTMENT





PLATTED - 177 LOTS
 FUTURE - 50 LOTS
 TOTAL - 227 LOTS
 ±88.20 ACRES
 DENSITY = 2.57 UNITS/ACRE



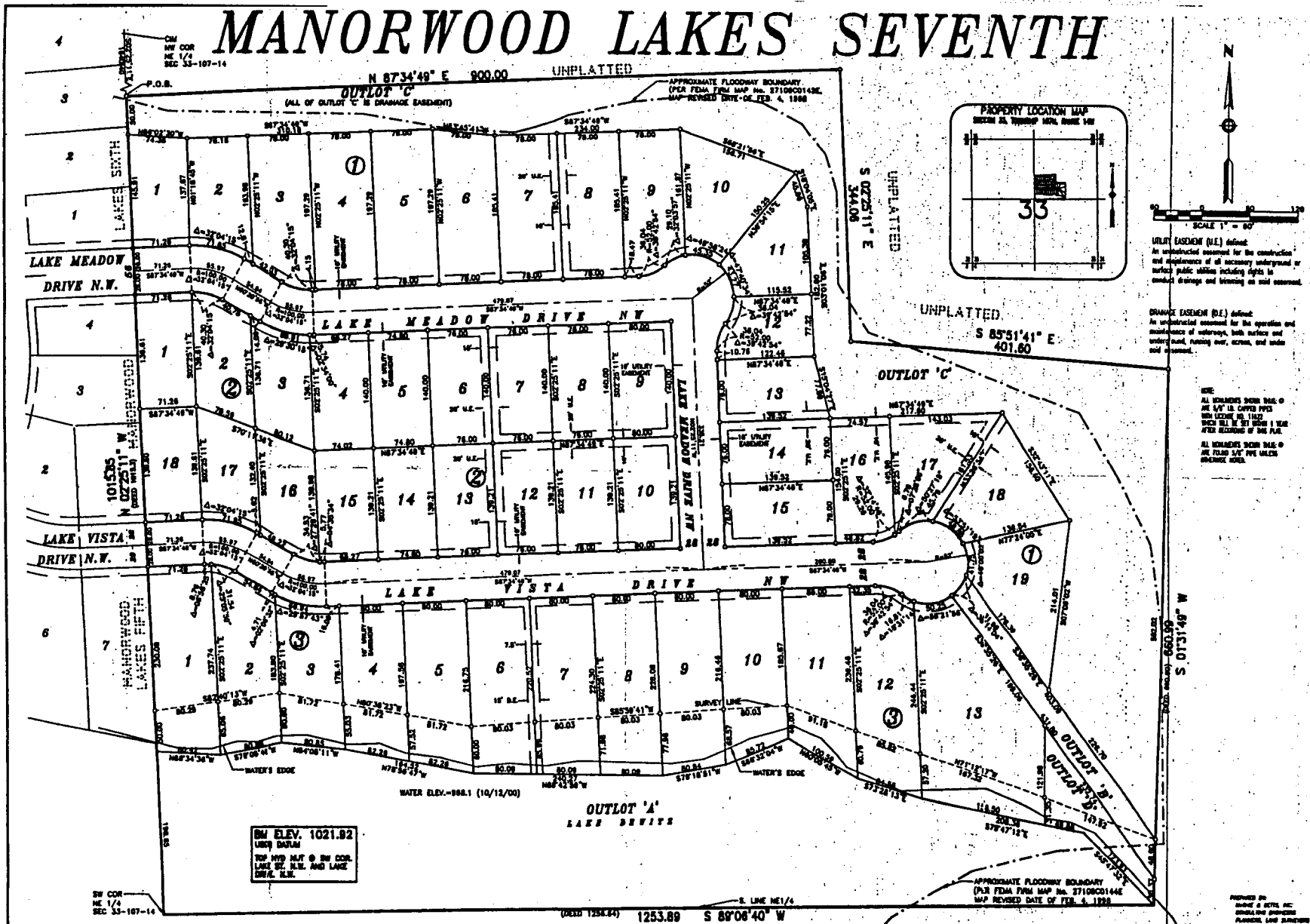
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100	1.0000



WESTERN HILLS
 100-1110 AVENUE, N.W.
 ROCHESTER, MN 55601

GENERAL DEVELOPMENT PLAN
 MANORWOOD LAKES
 ROCHESTER, MN

MANORWOOD LAKES SEVENTH



1. **Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations regarding the future construction of pedestrian facilities along the frontage of 11th Avenue NW.**

* **Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. to allow for the placement of fill in the flood prone area. The proposal is to place fill in the flood prone area to allow for the development of residential lots. The property is located south of 7th Street NW and east of Lake Street NW.**

Ms. Mitzi A. Baker presented the staff report, dated October 15, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the third condition listed in the staff report has now been met. The consultant submitted certifications required by the Ordinance.

Mr. Burke moved to recommend approval of Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. with the staff-recommended findings and two conditions (as listed by staff). Mr. Haeussinger seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **Prior to commencing operations on this property, the applicant shall obtain grading plan approval from the City.**
2. **Fill within the existing Floodway, as shown on the proposed grading plan, shall not commence until after a CLOMR (Conditional Letter of Map Revision) has been approved by FEMA.**

PUBLIC HEARINGS:

Type III, Phase II Amendment #03-01 to the Final Plan which covers the Apache Mall Shopping Center, to allow for the construction of a freestanding restaurant in the location of demolished Montgomery Wards Auto Store by Romano's Macaroni Grill. The proposal is to construct a 6,820 square foot building. The property is located north of 16th Street SW, west of Apache Drive SW and east of Highway 52.

Ms. Mitzi A. Baker presented the staff report, dated October 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the condition regarding the parking lot modifications should be something that they can easily accommodate.

Ms. Baker stated that she did not receive any calls or concerns regarding the application.

Ms. Wiesner asked if there would be a drive-up.

Ms. Baker stated that there would only be parking spots reserved for people getting takeouts.

Mr. Quinn stated that there were previous concerns regarding parking compliance. He questioned if there were any concerns now.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 11-17-03

101

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Final Plat #03-13 to be known as Viola Hills Subdivision by Todd Ustby. The Applicant is proposing to subdivide approximately 11.87 acres of land into 18 lots for single family detached dwellings and 2 Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2).		PREPARED BY: Theresa Fogarty, Planner

November 12, 2003

Planning Department Review:

See attached staff report dated November 12, 2003, recommending approval with the following condition:

- Prior to recording, the final plat shall be revised, as follows:*
 - Relabel Outlot 'C' (lift station) as Outlot 'B' and Outlot 'B' (stormwater detention facility) as 'Outlot C'. Relabeling Outlots 'B' and 'C' will correspond with Exhibit "B" of the executed Development Agreement.*
- A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the November 6, 2003 memorandum from Rochester-Olmsted Planning Department - GIS Division. In addition, the temporary access into the plat, until Lisa Lane NE can gain access from Viola Road NE (CASH 2) needs to be named. The designation of the private roadway must have approval of the GIS/E911 Addressing staff.*
- Dedication of parkland shall be met via: cash in lieu of land, as recommended by the City Park & Recreation Department in the attached memorandum, dated November 5, 2003.*
- The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted "No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.*
- A temporary access permit shall be required, from Olmsted County Public Works, for CSAH 2 to serve this property.*
- The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted "No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.*

Council Action Needed:

- If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*

Attachments:

- Staff report, dated November 12, 2003.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

102

"COPY"

VIOLA HILLS SUBDIVISION

INSTRUMENT OF DEDICATION
 KNOW ALL MEN BY THESE PRESENTS: That Todd Utsey and Lisa Utsey, husband and wife, owners and proprietors of the following described property in the City of Rochester, State of Minnesota, to wit:

That part of the Northwest Quarter of Section 29, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:
 Commencing at the northeast corner of said Northwest Quarter, thence due West along the north line thereof 943.38 feet to a place of beginning; thence South 07°21' East 456.67 feet to the center of State Aid Road No. 2; thence Southwesterly along center of said road 846.66 feet; thence North 07°21' West 817.65 feet to the north line of said section; thence due East 827 feet to the place of beginning;
 And ALSO
 That part of the Southwest Quarter of Section 20 in said Township and Range described as follows:
 Commencing at the southeast corner of said Southwest Quarter, and running thence due West along the south line thereof a distance of 945.38 feet to a place of beginning; thence due West along said south line a distance of 827 feet; thence North 07°21' West a distance of 287.84 feet; thence due East a distance of 827 feet; thence South 07°21' East a distance of 287.84 feet to the place of beginning.
 The above described parcel contains 11.87 acres, more or less.

Have caused the same to be surveyed and platted as VIOLA HILLS SUBDIVISION and do hereby donate and dedicate to the public use forever the thoroughfare, cul de sacs, and also dedicating the easements as shown on this plat for drainage and utility purposes only.
 In witness whereof said Todd Utsey and Lisa Utsey have hereunto set our hands this ____ day of ____ 2003.

Todd Utsey _____ Lisa Utsey _____
 State of Minnesota _____
 County of _____
 The foregoing instrument was acknowledged before me this ____ day of ____ 2003, by Todd Utsey and Lisa Utsey, husband and wife.
 Notary Public, _____ County, Minnesota
 My commission expires: _____

BEARINGS
 ALL BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 29 - T107N - R13W WHICH IS ASSUMED TO BEAR DUE WEST.
CONTROLLED ACCESS DEFINED
 INGRESS AND EGRESS TO, FROM OR ACROSS THE ADJUTING ROADWAY IS RESTRICTED BY THE ROAD AUTHORITY PURSUANT TO MINNESOTA STATE STATUTE 160.06.
DRAINAGE EASEMENT DEFINED
 AN UNOBTSTRUCTED EASEMENT FOR THE OPERATION AND MAINTENANCE OF ALL WATERWAYS, BOTH SURFACE AND UNDERGROUND RUNNING OVER, UNDER AND ACROSS SAID EASEMENT.
UTILITY EASEMENT DEFINED
 AN UNOBTSTRUCTED EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF ALL NECESSARY UNDERGROUND OR SURFACE PUBLIC UTILITIES INCLUDING THE RIGHTS TO CONDUCT DRAINAGE AND TRIMMING ON SAID EASEMENT.

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and platted the property described on this plat as VIOLA HILLS SUBDIVISION; that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wetlands as defined in M.S. 505.02, Subd 1, or public highways to be designated other than as shown.

Geoffrey G. Griffin, L.S.
 Minnesota License Number 21940
 State of Minnesota _____
 County of _____
 The surveyor's certificate was subscribed and sworn to before me, a Notary Public, this ____ day of ____ 2003.

Notary Public, _____ County, Minnesota
 My commission expires: _____

COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to the applicable laws, this ____ day of ____ 2003.

Olmsted County Surveyor

PROPERTY RECORDS AND LICENSING

Taxes payable in the year 2003 on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this ____ day of ____ 2003.

DOCUMENT NUMBER

I hereby certify that this instrument was filed in the Office of Property Records and Licensing for the record on this ____ day of ____ 2003, at ____ o'clock ____ M., and was duly recorded in the Olmsted County records.

Director of Property Records & Licensing

Deputy

CITY APPROVAL

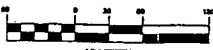
State of Minnesota _____
 County of Olmsted _____
 City of Rochester _____
 I, Judy K. Scherr, in and for the City of Rochester, do hereby certify that on the ____ day of ____ 2003, the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony whereof I have hereunto signed my name and affixed the seal of said City of Rochester this ____ day of ____ 2003.

Judy K. Scherr, City Clerk

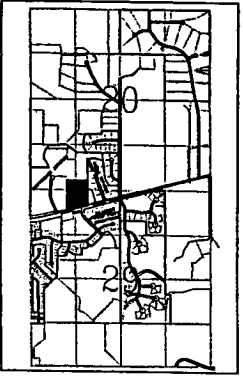
LEGEND

- IRON PIPE WITH PLASTIC CAP STAMPED R.L.S. 21940 SET
- FOUND IRON PIPE W/ CAP STAMPED R.L.S. 15229 UNLESS OTHERWISE NOTED
- UTILITY EASEMENT
- DRAINAGE EASEMENT
- CONTROLLED ACCESS
- EASEMENT LINE
- SECTION LINE

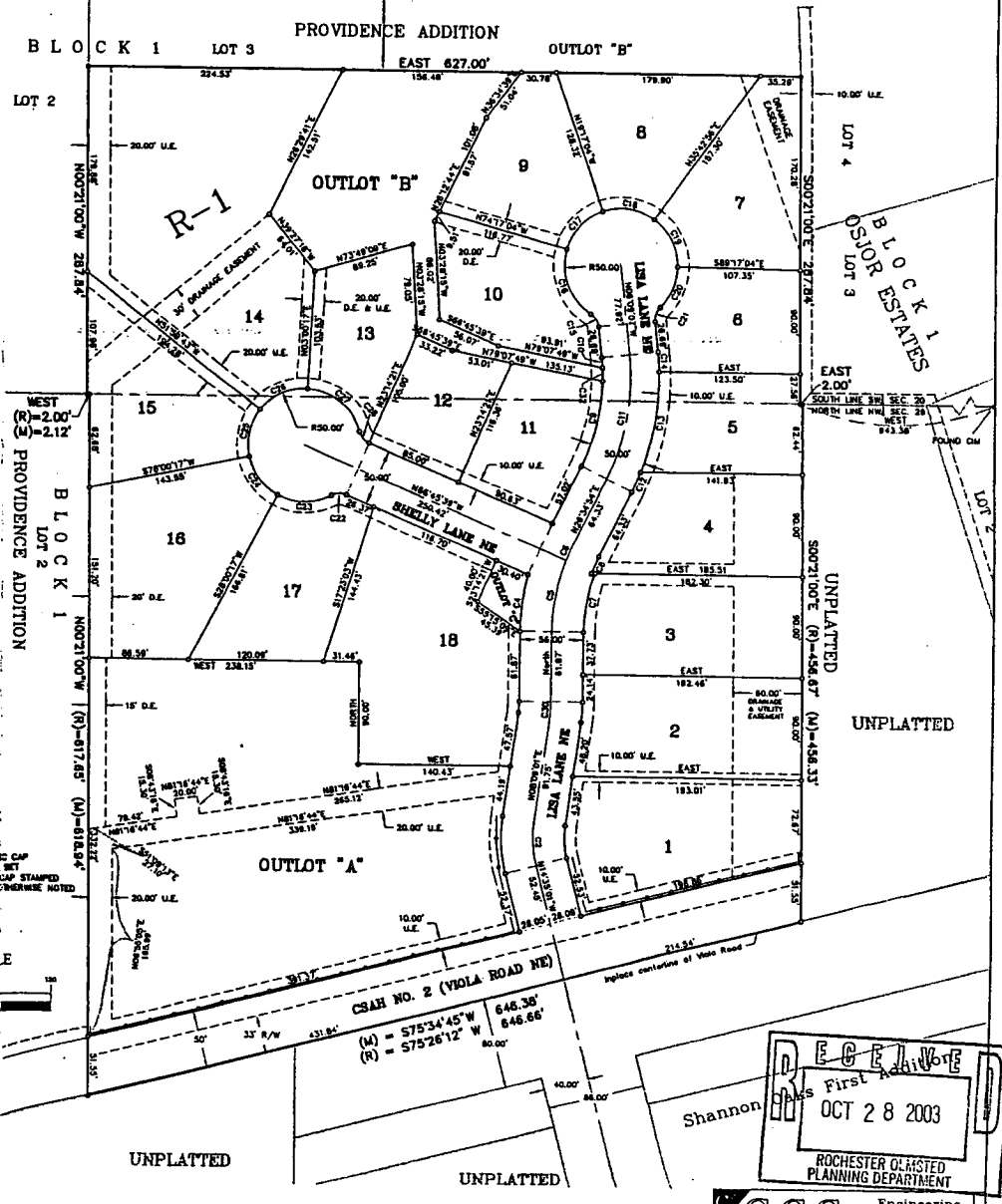
GRAPHIC SCALE



VICINITY MAP



CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	50.75	188.00	22°43'N	N82°16'30"E	50.46
C2	38.86	188.00	22°43'N	N82°16'30"E	38.44
C3	12.87	188.00	22°43'N	N82°16'30"E	12.80
C4	51.17	200.00	14°38'N	N75°21'30"E	51.04
C5	16.83	200.00	14°38'N	N75°21'30"E	16.67
C6	16.83	175.00	14°38'N	N75°21'30"E	16.67
C7	50.44	175.00	14°38'N	N75°21'30"E	50.16
C8	16.83	175.00	14°38'N	N75°21'30"E	16.67
C9	78.77	175.00	14°38'N	N75°21'30"E	78.10
C10	6.87	175.00	14°38'N	N75°21'30"E	6.80
C11	14.86	188.00	22°43'N	N82°16'30"E	14.80
C12	10.30	188.00	22°43'N	N82°16'30"E	10.20
C13	36.81	188.00	22°43'N	N82°16'30"E	36.47
C14	12.87	188.00	22°43'N	N82°16'30"E	12.80
C15	12.87	188.00	22°43'N	N82°16'30"E	12.80
C16	12.87	188.00	22°43'N	N82°16'30"E	12.80
C17	84.55	80.00	30°13'N	N59°46'30"E	84.17
C18	84.55	80.00	30°13'N	N59°46'30"E	84.17
C19	44.00	80.00	30°13'N	N59°46'30"E	43.17
C20	44.00	80.00	30°13'N	N59°46'30"E	43.17
C21	38.46	80.00	30°13'N	N59°46'30"E	37.80
C22	13.87	80.00	30°13'N	N59°46'30"E	13.10
C23	13.87	80.00	30°13'N	N59°46'30"E	13.10
C24	13.87	80.00	30°13'N	N59°46'30"E	13.10
C25	13.87	80.00	30°13'N	N59°46'30"E	13.10
C26	13.87	80.00	30°13'N	N59°46'30"E	13.10
C27	13.87	80.00	30°13'N	N59°46'30"E	13.10
C28	13.87	80.00	30°13'N	N59°46'30"E	13.10
C29	13.87	80.00	30°13'N	N59°46'30"E	13.10
C30	13.87	80.00	30°13'N	N59°46'30"E	13.10
C31	13.87	80.00	30°13'N	N59°46'30"E	13.10
C32	13.87	80.00	30°13'N	N59°46'30"E	13.10
C33	13.87	80.00	30°13'N	N59°46'30"E	13.10
C34	13.87	80.00	30°13'N	N59°46'30"E	13.10
C35	13.87	80.00	30°13'N	N59°46'30"E	13.10
C36	13.87	80.00	30°13'N	N59°46'30"E	13.10
C37	13.87	80.00	30°13'N	N59°46'30"E	13.10
C38	13.87	80.00	30°13'N	N59°46'30"E	13.10
C39	13.87	80.00	30°13'N	N59°46'30"E	13.10
C40	13.87	80.00	30°13'N	N59°46'30"E	13.10
C41	13.87	80.00	30°13'N	N59°46'30"E	13.10
C42	13.87	80.00	30°13'N	N59°46'30"E	13.10
C43	13.87	80.00	30°13'N	N59°46'30"E	13.10
C44	13.87	80.00	30°13'N	N59°46'30"E	13.10
C45	13.87	80.00	30°13'N	N59°46'30"E	13.10
C46	13.87	80.00	30°13'N	N59°46'30"E	13.10
C47	13.87	80.00	30°13'N	N59°46'30"E	13.10
C48	13.87	80.00	30°13'N	N59°46'30"E	13.10
C49	13.87	80.00	30°13'N	N59°46'30"E	13.10
C50	13.87	80.00	30°13'N	N59°46'30"E	13.10
C51	13.87	80.00	30°13'N	N59°46'30"E	13.10
C52	13.87	80.00	30°13'N	N59°46'30"E	13.10
C53	13.87	80.00	30°13'N	N59°46'30"E	13.10
C54	13.87	80.00	30°13'N	N59°46'30"E	13.10
C55	13.87	80.00	30°13'N	N59°46'30"E	13.10
C56	13.87	80.00	30°13'N	N59°46'30"E	13.10
C57	13.87	80.00	30°13'N	N59°46'30"E	13.10
C58	13.87	80.00	30°13'N	N59°46'30"E	13.10
C59	13.87	80.00	30°13'N	N59°46'30"E	13.10
C60	13.87	80.00	30°13'N	N59°46'30"E	13.10



RECEIVED
 First Received
 OCT 28 2003
 ROCHESTER OLMDSTED
 PLANNING DEPARTMENT

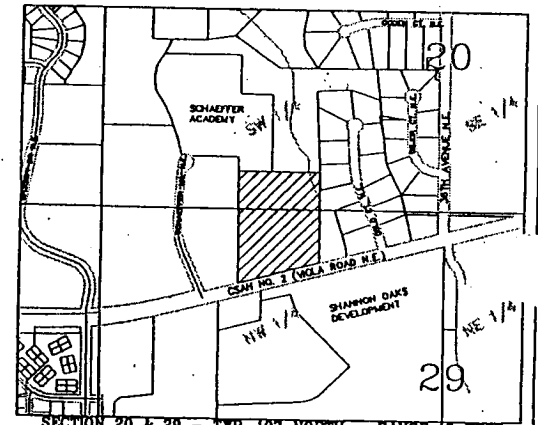
GGC Inc. Engineering
 Surveying
 Planning
 14070 Hwy 52 SE
 Chaska, MN 55823
 Ph. 507-847-1666

APPROVED 3-17-03 w/ 7 conditions

CDP # 200

GENERAL DEVELOPMENT PLAN VIOLA HILLS SUBDIVISION SECTION 20 & 29 HAVERHILL TOWNSHIP

VICINITY MAP



SECTION 20 & 29 - TWP. 107 NORTH - RANGE 13 WEST
NOT TO SCALE

DEVELOPER
TODD USTRY
1211 ASHLEY LANE SW
ROCHESTER, MN 55902

OWNER
RAD NASHIN
3325 VIOLA ROAD NE
ROCHESTER, MN 55906

ENGINEER & SURVEYOR
GGG INC.
14070 HWY. 53 SE
CHAPEL HILL, MN 55923

THE DATA WARRANTY
UPON ANNEXATION WILL BE R-1
WILL BE APPLYING FOR A ZONE CHANGE FOR
OUTLOT "A" TO R-12

STREET CLASSIFICATION
ALL STREETS WITHIN THE DEVELOPMENT
SHALL BE CLASSIFIED AS "LOCAL" STREETS

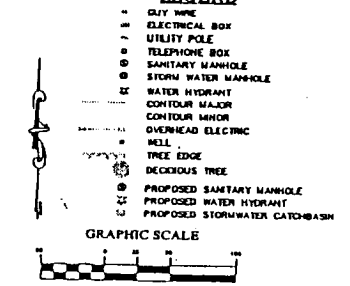
NOTES
EXISTING HOUSE AND GARAGE TO REMAIN
ALL OTHER BUILDINGS TO BE REMOVED

DENSITY
PROPOSED R1 - 0.66 ACRES - 10 LOTS
UNITS PER ACRE - 0.54
PROPOSED R-12 - 2.21 ACRES - 10 UNITS
UNITS PER ACRE - 0.32

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	10.22'	72.00'
C2	24.32'	128.00'
C3	28.52'	223.00'
C4	38.24'	150.00'
C5	18.32'	225.00'
C6	22.01'	225.00'
C7	17.22'	223.00'
C8	13.82'	15.00'
C9	38.40'	50.00'
C10	48.00'	50.00'
C11	48.00'	50.00'
C12	48.00'	50.00'
C13	64.48'	50.00'
C14	13.82'	15.00'
C15	8.83'	175.00'
C16	81.05'	175.00'
C17	17.74'	200.00'
C18	13.82'	15.00'
C19	83.05'	50.00'
C20	48.00'	50.00'
C21	43.83'	50.00'
C22	43.83'	50.00'
C23	49.52'	50.00'
C24	13.82'	15.00'

LEGEND



LAND DESCRIPTION
That part of the Northwest Quarter of Section 20, Township 107 North, Range 13 West, Grant County, Minnesota, described as follows:
Commencing at the northeast corner of said Northwest Quarter; thence due West along the north line thereof 243.36 feet for a place of beginning; thence South 072° East 456.87 feet to the center of State Aid Road No. 2; thence Southwesterly along center of said road 848.86 feet; thence North 072° West 817.85 feet to the north line of said section; thence due East 827 feet to the place of beginning;
AND ALSO
That part of the Southwest Quarter of Section 20 in said Township and Range described as follows:
Commencing at the southeast corner of said Southwest Quarter; and running thence due West along the south line thereof a distance of 863.38 feet for a place of beginning; thence due West along said south line a distance of 827 feet; thence North 072° West a distance of 287.84 feet; thence due East a distance of 827 feet; thence South 072° East a distance of 287.84 feet to the place of beginning.
The above described parcel contains 11.87 acres, more or less.

RECEIVED
JAN 15 2003

ROCHESTER OLSTED
PLANNING DEPARTMENT

Engineering
Surveying
Planning

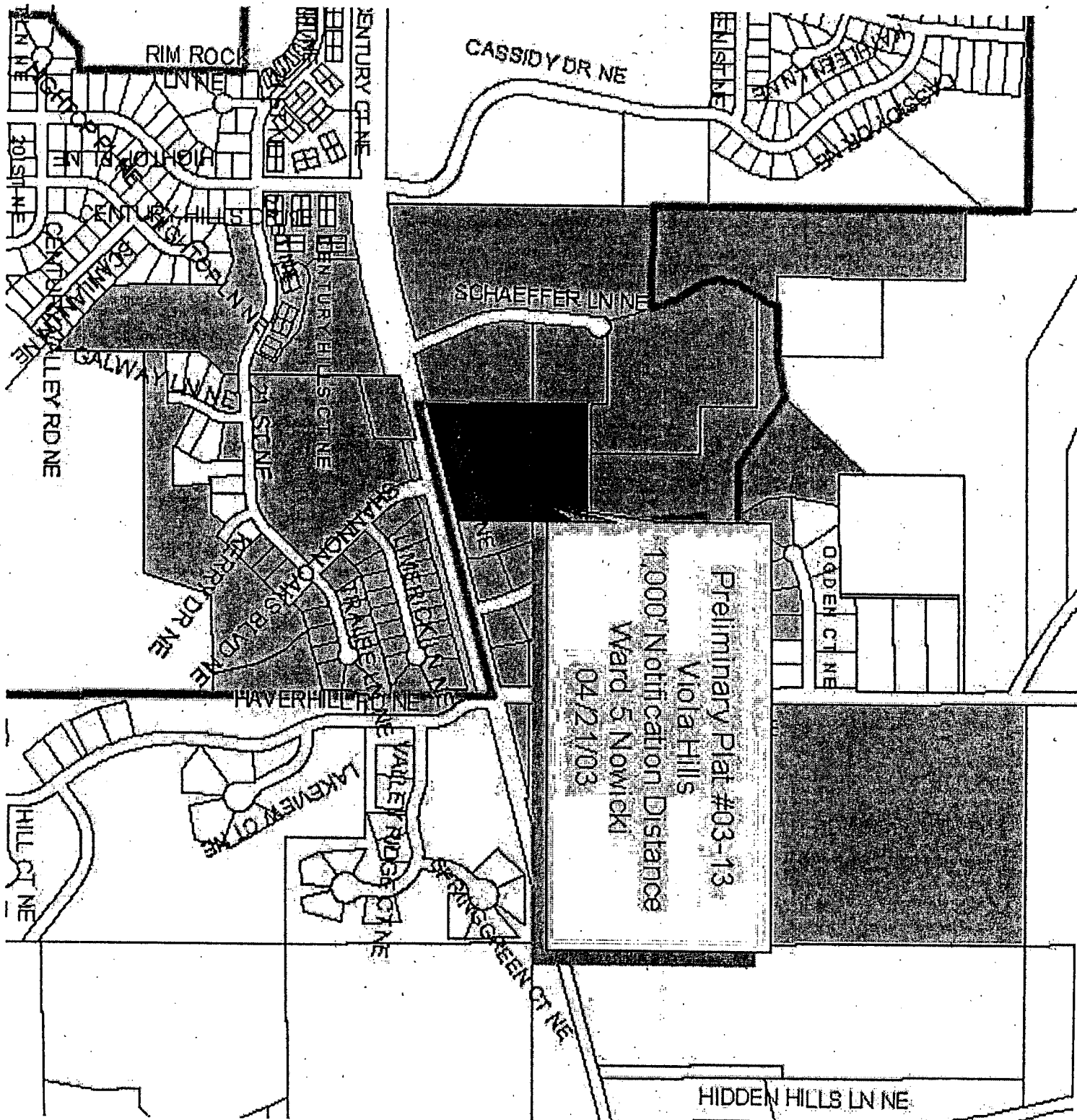
14070 HWY. 53 SE
CHAPEL HILL, MN 55923
Phone: 507-281-1100
Fax: 507-281-1101

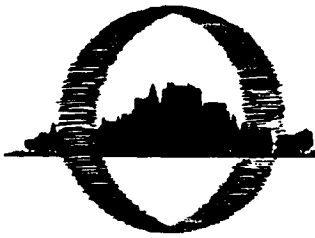
LAST REVISION: 3-17-03

Drawn by: Rad Nashin
3325 Viola Road NE
Rochester, MN 55906

Check by: Todd Ustry
1211 Ashley Lane SW
Rochester, MN 55902

103





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: November 12, 2003

RE: Final Plat #03-13 to be known as Viola Hills Subdivision by Todd Ustby. The Applicant is proposing to subdivide approximately 11.87 acres of land into 18 lots for single family detached dwellings and 2 Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2).

Planning Department Review:

Applicant/Owner:

Todd Ustby
1211 Ashley Lane SW
Rochester, MN 55902

Surveyors/Engineers:

GGG Engineering
14070 Highway 52 SE
Chatfield, MN 55923

Referral Comments:

Rochester Public Works Department
Rochester Park & Recreation Department
Planning Department – GIS Division
Olmsted County Public Works Department

Report Attachments:

1. Location Map
2. Copy of Final Plat
3. Copy of Viola Hills GDP
4. Referral Comments (4 letters)

Development Review:

Location of Property:

The property is located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2).

Zoning:

Of the total 11.87 acres, 9.66 acres is currently zoned R-1 (Mixed Single Family) district and 2.17 acres is zoned (R-1x (Mixed Single Family Extra) on the City of Rochester Zoning Map.



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Proposed Development:

This development consists of 11.87 acres of land to be subdivided into 18 lots for single family detached dwellings and 11 lots for single family attached dwellings and two outlots.

Roadways:

This plat proposes to dedicate right-of-way for two new roadways.

The first roadway identified as "Lisa Lane NE" is designed with a 56' right-of-way, reducing to 50' right of-way north of the intersection of Shelley Lane NE, ending in a cul-de-sac with a 50' radius. This cul-de-sac is indicated less than 96 feet and therefore shall be posted "No Parking". The roadway is indicated less than 36 feet and will require "No Parking" signage along one side of the street.

The second roadway named "Shelley Lane NE" is designed with a 50' right-of-way ending in a cul-de-sac with a 50' radius. This cul-de-sac is indicated less than 96 feet and therefore shall be posted "No Parking". The roadway is indicated less than 36 feet and will require "No Parking" signage along one side of the street.

The private roadway that allows access to "Outlot A" needs to be named. The dedication of this off-site easement will be required prior to final plat approval for the proposed temporary access drive. The location of the temporary access drive is subject to County Public Works approval, and the design of the temporary access is subject to approval by the City Engineer. The applicant shall work with the addressing staff in naming the temporary easement/private roadway, as it is the only access into the plat.

A temporary access permit shall be required, from Olmsted County Public Works, for CSAH 2 to serve this property.

Pedestrian Facilities:

A Development Agreement has been executed for this property, which includes the requirements for pedestrian facilities.

Drainage:

Grading and Drainage Plans have been approved.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. Based on the Soil Survey, no hydric soils exist on the site.

Public Utilities:

Final Utility Plans have been approved.

The Maintenance and Ownership Agreement for the private lift station Outlot, and force main sanitary sewer is included in the executed Development Agreement.

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Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 35 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well. The Owner should be encouraged to provide unit mail boxes to limit the loss of on street parking for the proposed townhome development.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.

General Development Plan:

This property is included within the Viola Hills General Development Plan (GDP).

Preliminary Plat:

A preliminary plat for this area was approved by the Council on June 2, 2003. The approval of the preliminary plat was subject to five (5) conditions: The conditions are listed below:

1. ***Dedication of parkland shall be met via cash in lieu of land per the April 25, 2003 Memorandum from the Rochester Park and Recreation Department.***
2. ***The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted "No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.***
3. ***Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, the ownership & maintenance of the proposed Private Lift Station shown on Outlot "C" and Ownership and Maintenance of the pond to be located on Outlot "B", as well as, the off-site portion of the detention facility, including off-site drainage easement.***
4. ***The owner shall be responsible for a Storm Water Management Fee which will be applicable for the benefit of the participation in the City's SWMP, for any area that do not drain to an on-site facility.***
5. ***The owner shall execute with the City a Maintenance and Ownership Agreement for the private lift station Outlot, for force main sanitary sewer. The Owner may be required to provide an escrow account or other surety to address the cost for the future removal of the proposed private lift station and connection to gravity flow sanitary sewer.***

6. ***Grading and Drainage Plan approval is required prior to Final Plat submittal. Site grading must accommodate the planned centerline profile and cross section for Viola Road NE reconstruction.***
7. ***Dedication of off-site easements shall be required prior to final plat approval for the proposed temporary access drive. The location of the temporary access drive is subject to County Public Works approval, and the design of the temporary access is subject to approval by the City Engineer.***
8. ***Dedication of controlled access shall be required through the Final Plat for the entire frontage of CSAH 2 (Viola Road NE), with the exception of the proposed public road access, as shown on the Preliminary Plat. The owner is responsible to have a roadway sign installed at the intersection of "Shaeffer Lane NE" and the temporary roadway to be identified as "Lisa Lane NE", until such time "Lisa Lane NE" access is directly onto Viola Road NE. The Owner is also required to provide turn lanes from CSAH 2.***
9. ***Pedestrian facilities shall be required, at the Owner's expense, along both sides of all new public roadways within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of CSAH 2 (Viola Road NE).***
10. ***No connection to the service line, proposed to serve the property abutting the east line of this subdivision, will be allowed until the abutting property has been annexed, and a Utility Connection Agreement has been executed by the Owner of said property.***

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following modifications / conditions:

1. ***Prior to recording, the final plat shall be revised, as follows:***
 - a. ***Relabel Outlot 'C' (lift station) as Outlot 'B' and Outlot 'B' (stormwater detention facility) as 'Outlot C'. Relabeling Outlots 'B' and 'C' will correspond with Exhibit "B" of the executed Development Agreement.***
2. ***A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the November 6, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division. In addition, the temporary access into the plat, until Lisa Lane NE can gain access from Viola Road NE (CASH 2) needs to be named. The designation of the private roadway must have approval of the GIS/E911 Addressing staff.***
3. ***Dedication of parkland shall be met via: cash in lieu of land, as recommended by the City Park & Recreation Department in the attached memorandum, dated November 5, 2003.***

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4. *The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted "No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.*
5. *A temporary access permit shall be required, from Olmsted County Public Works, for CSAH 2 to serve this property.*
6. *The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted "No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.*

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/5/03

The Department of Public Works has reviewed the application for Final Plat #03-13 for the proposed Viola Hills Subdivision. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property. Said Agreement includes a Maintenance & Ownership Agreement, as well as, a Pedestrian Facilities Agreement for the Property.
2. A City-Owner Contract has been executed for this Property.
3. Outlot 'C' (lift station) as indicated on the Final Plat should be re-labeled as Outlot 'B', and Outlot 'B' (stormwater detention facility) as indicated on the Final Plat should be relabeled as Outlot 'C'. The current labeling of Outlots 'B' & 'C', does not correspond with Exhibit 'B' of the executed Development Agreement.

❖ Charges/fees applicable to the development of this Property have been addressed in the Development Agreement and City-Owner Contract



111 /

ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

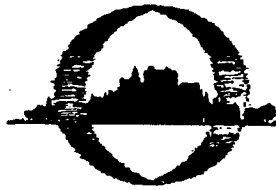
DATE: November 5, 2003

TO: Jennifer Garness
Planning

RE: Viola Hills
Final Plat #03-13

Acreage of plat.....	11.87 a
Number of dwelling units.....	29 units
Density factor.....	.0244
Dedication71 a
Fair market value of land.....	\$20,000 / a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount of \$14,200 (.71 a X \$20,000 / a) with payment due prior to recordation of the final plat.



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: November 6, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; and G.G.G.
Engineering Inc.

RE: VIOLA HILLS
FINAL PLAT #03-13

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:	\$340.00 (17 LOTS/ADDRESSES)
	55.00 (1 LOT / READDRESS)
GIS IMPACT FEE:	\$300.00 (20 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. The private roadway that will allow access to Outlot "A" still needs to be named. This roadway is also going to be the temporary access into the plat until Lisa Lane NE can gain access from Viola Road NE in the future.

RECOMMENDATION: Work with our staff in naming the private roadway, as it will be the only access into plat.

113 /



PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.285.8231

November 4, 2003

Jennifer Garness
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Final Plat #03-13 by Todd Ustby to be known as Viola Hills Subdivision and has the following comment:

- ***Temporary access will be required from CSAH 2 to serve this subdivision.***

Sincerely,

Michael Sheehan
County Engineer

MTS/bw



T:\PWDATA\ENGINDOC\PLANZONE.DOC

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

115
MEETING
DATE 11-17-03

REQUEST FOR COUNCIL ACTION

AGENDA SECTION:
PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM NO.

E-6

ITEM DESCRIPTION: Final Plat #03-38, by Accessible Space, Inc. to be known as ASI Subdivision. The applicant proposes to subdivide approximately 1.33 acres of land into two lots for development. The property is located south of Eastwood Road and east of Marion Road, near the intersection of these two roads.

PREPARED BY:
Brent Svenby,
Planner

November 12, 2003

Planning Department Review:

See attached staff report dated November 12, 2003 recommending approval subject to the following conditions:

1. *The Final Plat Documents shall include dedication of controlled access along the entire frontage of Eastwood Road SE, except for a single access no greater than 32 feet wide, in a location approved by Olmsted County Public Works.*
2. *Prior to recording the final plat documents, the E911 Addressing and GIS Impact fee's shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated November 7, 2003.*
3. *Prior to recording the final plat documents, parkland dedication requirements shall be met via payment of cash in lieu of land in the amount of \$9,250.*

Council Action Needed:

- 1) *A resolution approving the plat can be adopted.*

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, November 17, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. Yaggy Colby Associates.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

ASI SUBDIVISION



YAGGY COLBY ASSOCIATES
SURVEYORS • ARCHITECTS
PLANNERS
LANDSCAPE ARCHITECTS
117 THIRD AVENUE SOUTHWEST
ROCHESTER, MINNESOTA 55904
TEL 581-2200
FAX 581-2205
WWW.YAGGYCOLBY.COM

CITY APPROVAL
STATE OF MINNESOTA
COUNTY OF OLUSTED
CITY OF ROCHESTER

I, Judy K. Scherr, City Clerk, in and for the City of Rochester, do hereby certify that on _____ day of _____, 20____ the accompanying plat was duly approved by Common Council of the City of Rochester. In testimony whereof, I have hereunto signed my name and affixed the Seal of said City of Rochester this _____ day of _____, 20____.

Judy K. Scherr
City Clerk

COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to applicable plotting laws.
This _____ day of _____, 20____.

Edward P. Kulis
Olusted County Surveyor

SURVEYOR'S CERTIFICATE

I do hereby certify that I have surveyed and plotted the property described on this plat as ASI SUBDIVISION; that this plat is a correct representation of said survey; that all distances are correctly shown as said plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground by October 8, 2004; that the outside boundary lines are correctly designated; and that there are no relations as defined in MS 505.02, Subd. 1, or public highways to be designated on said plat other than as shown.

Peter C. Oelker
Minnesota L.S. No. 41887

STATE OF MINNESOTA
COUNTY OF OLUSTED

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20____ by Peter C. Oelker, L.S. No. 41887.

Notary Public, Olusted County, MN
My Commission Expires _____

COUNTY PROPERTY RECORDS AND LICENSING

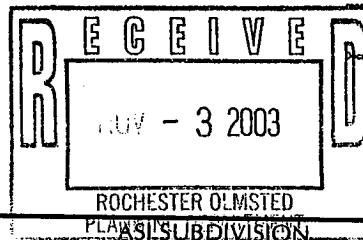
Taxes payable in the year 20____, on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this _____ day of _____, 20____.

I hereby certify that this instrument was filed in the Office of Property Records and Licensing for the record on this _____ day of _____, 20____, at _____ o'clock _____ M., and was duly recorded in Olusted County Records.

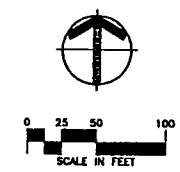
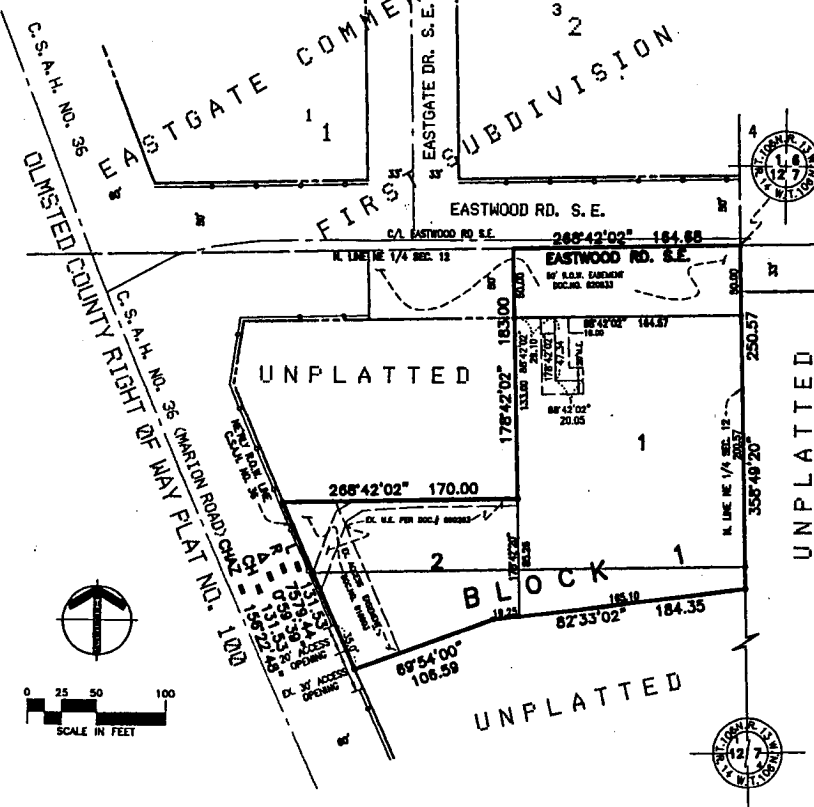
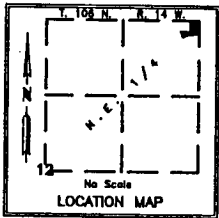
Document Number _____

Olusted County Director of
Property Records and Licensing

By _____ Deputy



SHEET NO. 1 OF 1



MONUMENTS
• Set 1/2" Rebars
• Found Monuments
(Pipes, Rod, Etc.)
All monuments set have a plastic cap stamped L.S. 41887.

UTILITY EASEMENT DEFINED
An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and trimming on said easement.

U.E. = UTILITY EASEMENT

CONTROLLED ACCESS DEFINED
Ingress and egress to, from or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.08.

— = CONTROLLED ACCESS

INSTRUMENT OF DEFINITION
KNOW ALL MEN BY THESE PRESENTS: That Accessible Space Inc., a Minnesota Nonprofit Corporation, owner and proprietor of the following described property situated in Olusted County, State of Minnesota, to wit:

That part of the Northeast Quarter of the Northeast Quarter of Section 12, Township 108 North, Range 14 West, Olusted County, Minnesota, described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from north of 268 degrees 42 minutes 02 seconds along the north line of said Northeast Quarter 184.88 feet; thence southerly 178 degrees 42 minutes 02 seconds azimuth 183.00 feet; thence westerly 268 degrees 42 minutes 02 seconds azimuth 170.00 feet to the northeastern right-of-way line of County State Aid Highway No. 36, according to OLUSTED COUNTY RIGHT OF WAY PLAT NO. 100; thence southeasterly 131.53 feet along said northeastern right-of-way line, and along a nontangent curve concave northeasterly, having a radius of 7578.44 feet, a central angle of 0 degrees 58 minutes 39 seconds, and a chord azimuth of 156 degrees 22 minutes 48 seconds azimuth; thence southerly 89 degrees 54 minutes 00 seconds azimuth 106.59 feet; thence westerly 82 degrees 33 minutes 02 seconds azimuth 184.35 feet to the west line of said Northeast Quarter; thence northerly 358 degrees 48 minutes 20 seconds azimuth along said west line 250.57 feet to the point of beginning. Said tract contains 1.33 acres more or less.

Have caused the same to be surveyed and plotted as ASI SUBDIVISION and do hereby dedicate the easement, as shown on this plat, for drainage and utility purposes only.

In witness whereof said Accessible Space Inc., a Minnesota Nonprofit Corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Stephen VanderSchuerf
President

STATE OF MINNESOTA
COUNTY OF OLUSTED

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Stephen VanderSchuerf, President of Accessible Space Inc., a Minnesota Nonprofit Corporation, on behalf of the corporation.

Notary Public, Olusted County, MN
My Commission Expires _____

PROJECT: MAPS-0144
COMPUTER FILE: 61028
DATE: 10-03-03
DRAWN BY: J. PLATT
CHECKED BY: J. PLATT

118



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Brent Svenby, Planner

DATE: November 12, 2003

RE: Final Plat #03-38, by Accessible Space, Inc. to be known as ASI Subdivision. The applicant proposes to subdivide approximately 1.33 acres of land into two lots for development. The property is located south of Eastwood Road and east of Marion Road, near the intersection of these two roads.

Planning Department Review:

Applicant/Owner: Accessible Space Inc.
1050 Thorndale Avenue NW
New Brighton, MN 55122

Surveyors/Engineers: Yaggy Colby Associates
717 3rd Ave SE
Rochester, MN 55904

Report Attachments:

1. Referral Comments
2. Location Map
3. Copy of Final Plat

Plat Data:

Zoning: The northerly portion of the property is zoned B-4 (General Commercial) while the southerly portion is zoned B-1 (Restricted Commercial). The applicant had filed a rezoning petition on the northerly portion of 1 to change the zoning to the B-1 district so that an apartment building can be constructed on the lot.

Proposed Development: This plat proposes to subdivide approximately 1.33 acres of land into 2 lots. A 15-unit handicapped housing building is proposed for Lot 1. There are no plans for Lot 2 at this time.



119,

Planning Staff and Recommendation:

No preliminary plat was required for this Plat. There are no new public roadways and no connections to adjacent properties.

Staff would recommend approval subject to the following conditions:

1. ***The Final Plat Documents shall include dedication of controlled access along the entire frontage of Eastwood Road SE, except for a single access no greater than 32 feet wide, in a location approved by Olmsted County Public Works.***
2. ***Prior to recording the final plat documents, the E911 Addressing and GIS Impact fees shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated November 7, 2003.***
3. ***Prior to recording the final plat documents, parkland dedication requirements shall be met via payment of cash in lieu of land in the amount of \$9,250.***

120

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/5/03

The Department of Public Works has reviewed the application for FP#03-38 for the proposed ASI Subdivision. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
2. Execution of a City-Owner Contract is required prior to construction of public infrastructure needed to develop this Property.
3. Controlled Access should be dedicated on the plat along the entire frontage of Eastwood rd SE, with the exception of a single access no greater than 32 feet wide, in a location approved by Olmsted County Public Works.

❖ Charges/fees applicable to the development of this property are/will be addressed in the Development Agreement and City-Owner Contract for this Property.



121/

ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: November 5, 2003

TO: Jennifer Garness
Planning

RE: Final Plat #03-38
ASI Subdivision

Acreage of plat.....	1.33 a
Number of dwelling units.....	15 units
Density factor.....	.0244
Dedication37 a
Fair market value of land.....	\$25,000 / a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount of \$9,250 (.37 a X \$25,000 / a) with payment due prior to recordation of the final plat.



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: November 7, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Peter Oetliker

RE: **ASI SUBDIVISION**
FINAL PLAT #03-38

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$40.00 (2 LOTS/ADDRESSES)

GIS IMPACT FEE: \$210.00 (2 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of ASI Subdivision the GIS / Addressing staff has found no issues to bring forth at this time.

REQUEST FOR COUNCIL ACTION

MEETING
11-17-03

123 /

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: Final Plat #03-39 to be known as Foxfield Subdivision.		PREPARED BY: Mitzi A. Baker, Senior Planner

November 12, 2003

Staff Recommendation:

The Planning Staff has reviewed the submitted final plat and find that it is consistent with the approved preliminary plat. The staff would then recommend approval subject to the following conditions:

- 1. The Final Plat Documents shall include dedication of controlled access along the southerly frontage of Middlebrook Drive NW, from 50th Ave. NW, to the east line of the drainage & utility easement intersecting Middlebrook Dr. NW.***
- 2. Prior to recording the final plat documents, the E911 Addressing and GIS Impact fee's shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated November 6, 2003.***
- 3. Parkland dedication for this Plat shall be med via deferred land dedication with dedication to occur with deeding of the 9.0 acre park shown on the Weatherstone GDP. Dedication is to occur when the park is accessed via public street or the Park Department wishes to begin development of the park.***
- 4. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.***
- 5. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.***

Council Action Needed:

- 1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.***

Attachment:

- Staff Report

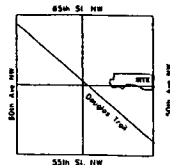
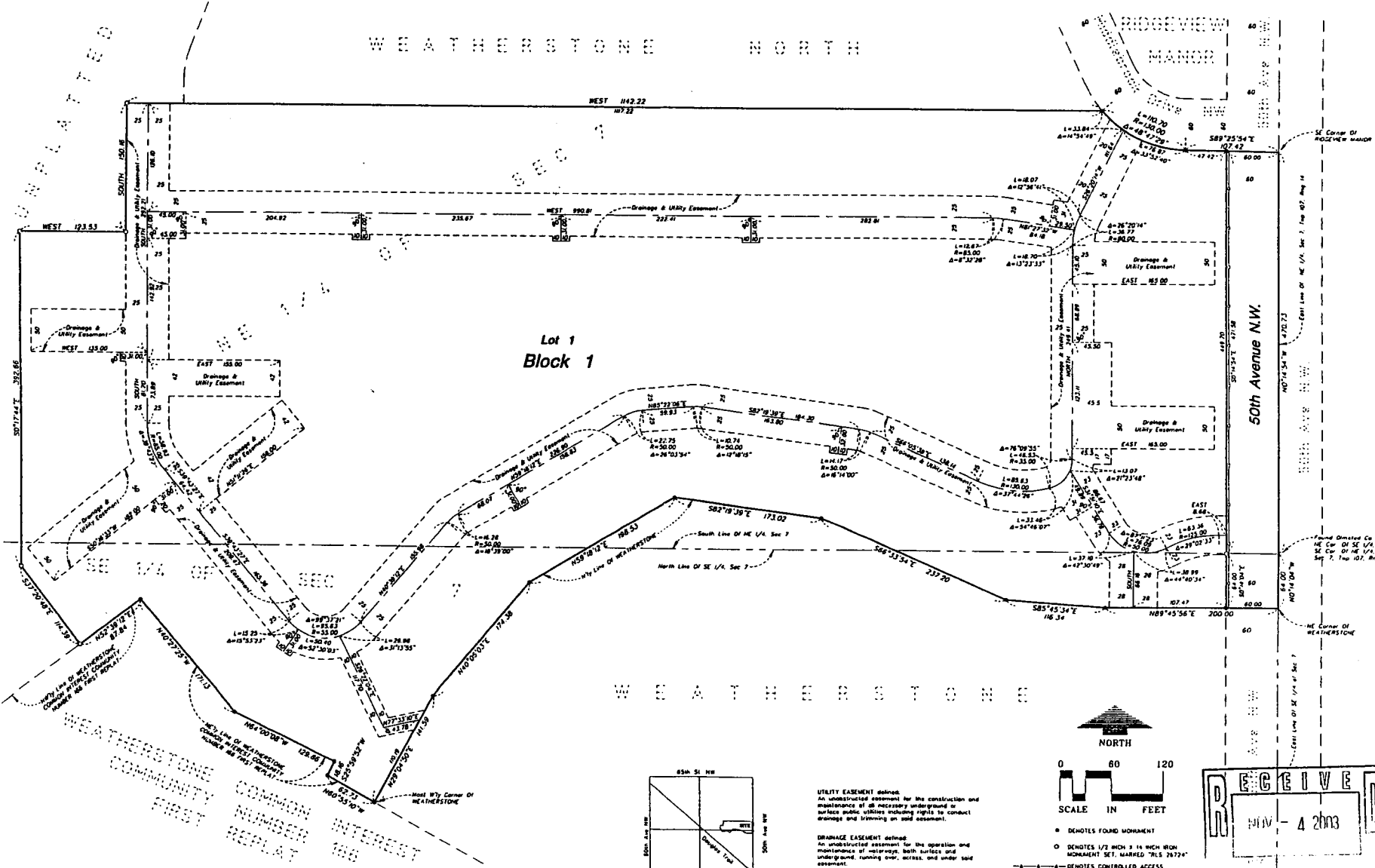
Distribution:

- City Attorney
- Planning Department File
- Loucks Associates
- Applicant: This item will be considered sometime after 7:00 p.m. on Monday November 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

FOXFIELD

WEATHERSTONE NORTH

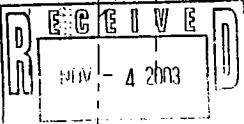
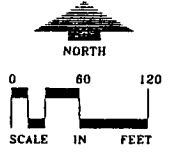


Location Map

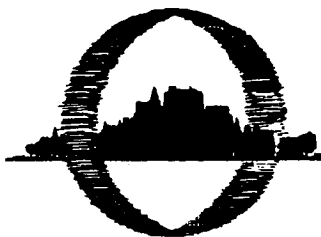
UTILITY EASEMENT defined:
An unobstructed easement for the construction and maintenance of all necessary underground or surface public utilities including rights to conduct drainage and adjoining an easement.

DRAINAGE EASEMENT defined:
An unobstructed easement for the operation and maintenance of waterways, both surface and underground, running over, across, and under said easement.

CONTROLLED ACCESS defined:
Egress or ingress to, from, or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.06



LOUCKS ASSOCIATES



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Mitzi A. Baker, Senior Planner

DATE: November 12, 2003

RE: Final Plat #03-39, by Foxfield LLC to be known as Foxfield subdivision. The Plat proposes to dedicate right-of-way for 50th Ave. NW, dedicate easements, and create one lot. The applicant is also requesting approval of a Substantial Land Alteration to permit the movement of more than 100,000 c.y. of earth material on the parcel. The property is located along the west side of 50th Ave. NW, north of the Douglas Trail and south of Middlebrooke Drive NW.

Planning Department Review:

Applicant: Foxfield LLC
15734 Foliage Ave
Apple Valley, MN 55124

Owner: Jerry Nelson

Surveyors/Engineers: Loucks Associates
7200 Hemlock Lane, Suite 300
MPLS, MN 55369-5592

Report Attachments:

1. Referral Comments
2. Location Map
3. Copy of Final Plat

Plat Data:

Zoning: The property is zoned R-2 (Low Density Residential).

Proposed Development: This plat proposes to subdivide approximately 18.67 acres of land to dedicate right-of-way for 50th Ave. NW as well as utility and drainage easements throughout the site.



Staff Suggested Findings for Substantial Land Alteration:

The applicant is proposing to move over 100,000 c.y. of earth material on this site, which requires approval of a Substantial Land Alteration.

Regarding findings for Section 62.1105, staff suggests the findings as written can be made, with the exception of #13 and #14. Staff suggest the following findings for those two items:

#13) The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.

#14) The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) *Not applicable.*
- 2) *Not applicable.*
- 3) *Not applicable.*
- 4) *The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.*
- 5) *Not applicable.*
- 6) *Not applicable.*
- 7) *Not applicable.*
- 8) *Not applicable.*

Planning Staff and Recommendation:

No preliminary plat was required for this Plat. There are no new public roadways and no connections to adjacent properties.

Staff would recommend approval subject to the following conditions:

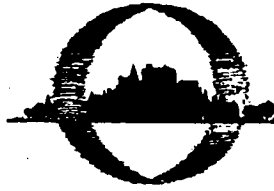
1. ***The Final Plat Documents shall include dedication of controlled access along the southerly frontage of Middlebrook Drive NW, from 50th Ave. NW, to the east line of the drainage & utility easement intersecting Middlebrook Dr. NW.***
2. ***Prior to recording the final plat documents, the E911 Addressing and GIS Impact fee's shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated November 6, 2003.***
3. ***Parkland dedication for this Plat shall be med via deferred land dedication with dedication to occur with deeding of the 9.0 acre park shown on the Weatherstone GDP. Dedication is to occur when the park is accessed via public street or the Park Department wishes to begin development of the park.***

127/

4. *The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*
5. *The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*

NOTE TO APPLICANT: *Execution of a City-Owner Contract is required prior to construction of public sanitary sewer, watermain, and/or storm sewer to serve this property.*

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COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: NOVEMBER 6, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Loucks Associates

RE: **FOXFIELD**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$20.00 (1 LOTS/ADDRESSES)

GIS IMPACT FEE: \$225.00 (1 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of **FOXFIELD** the GIS / Addressing staff has found no issues to bring forth at this time.

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: **Final Plat 03-39 Foxfield**

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

Wetlands exist on this property. A wetland replacement plan was approved for this property and the larger Weatherstone development. The applicant will need to coordinate wetland replacement with the owners of the Weatherstone development to comply with concurrent replacement of the wetland.

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ROCHESTER PARK AND RECREATION DEPARTMENT
 201 FOURTH STREET SE
 ROCHESTER MINNESOTA 55904-3769
 TELE 507-281-6160
 FAX 507-281-6165

MEMORANDUM

DATE: November 5, 2003
TO: Jennifer Garness
 Planning
RE: Foxfield
 Final Plat #03-39

Acreage of plat.....	18.67 a
Number of dwelling units.....	143 units
Density factor.....	.0178
Dedication	2.54 a
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with dedication to occur with the deeding of the 9.0 acre park shown on the Weatherstone GDP. Dedication to occur when the park is accessed via public street or the Park Department wishes to begin development of the park.



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat #03-39, by Stonebridge Development to be known as Foxfield subdivision. The Plat proposes to dedicate right-of-way for 50th Ave. NW, dedicated easements, and create on lot.

With regard to the above noted project plan, the fire department has the following requirements:

1. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 32 feet in width shall be posted "No Parking" on one side of the street. Streets less than 26 feet in width shall be posed "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
2. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.

c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Stonebridge
Loucks Associates

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/5/03

The Department of Public Works has reviewed the application for FP#03-39 for the proposed Foxfield Subdivision. The following are Public Works comments on this request:

1. There is an existing development Agreement for this Property.
 2. Execution of a City-Owner Contract is required prior to construction of public sanitary sewer, watermain, and/or storm sewer to serve this Property.
 3. Controlled Access should be dedicated along the southerly frontage of Middlebrook Dr NW, from 50th Ave NW, to the east line of the drainage & utility easement intersecting Middlebrook Dr NW.
- ❖ Charges/fees applicable to the development of this property are/will be addressed in the Development Agreement and City-Owner Contract for this Property.

133/

7200 Hemlock Lane

Suite 300

Minneapolis, MN

55369

Planning

Tel 763.424.5505

Civil Engineering

fax 763.424.5822

Land Surveying

home@loucksmclagan.com

Landscape Architecture

www.loucksmclagan.com

Environmental

October 31, 2003

Consolidated Planning Department
2212 Camous Drive SE
Rochester, MN 55904

Re: Foxfield fka Weatherstone 2nd
Application for Substantial Land Alteration Permit

The site is covered with a 2' to 3' layer of topsoil that has to be excavated and stockpiled prior to building streets and housing pads. This amounts to 78,000cy +/-.

The excavation for streets and building pads will be 58,000cy +/-.

The on site borrow will to build streets and building pads will be 50,000cy +/-.

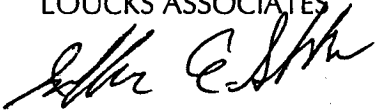
The wetland excavation to fill mitigated wetlands will be 17,000cy +/-.

The re-installing of topsoil (12" depth) will be 24,000cy +/-.

The actual terrain will not vary to a great degree from that of the original with the exception of the roadway encircling the site and the somewhat depressed central area of the development.

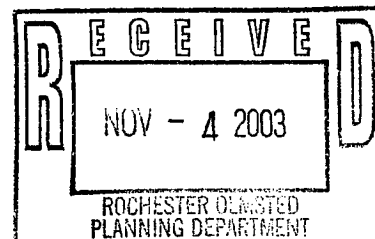
Sincerely,

LOUCKS ASSOCIATES



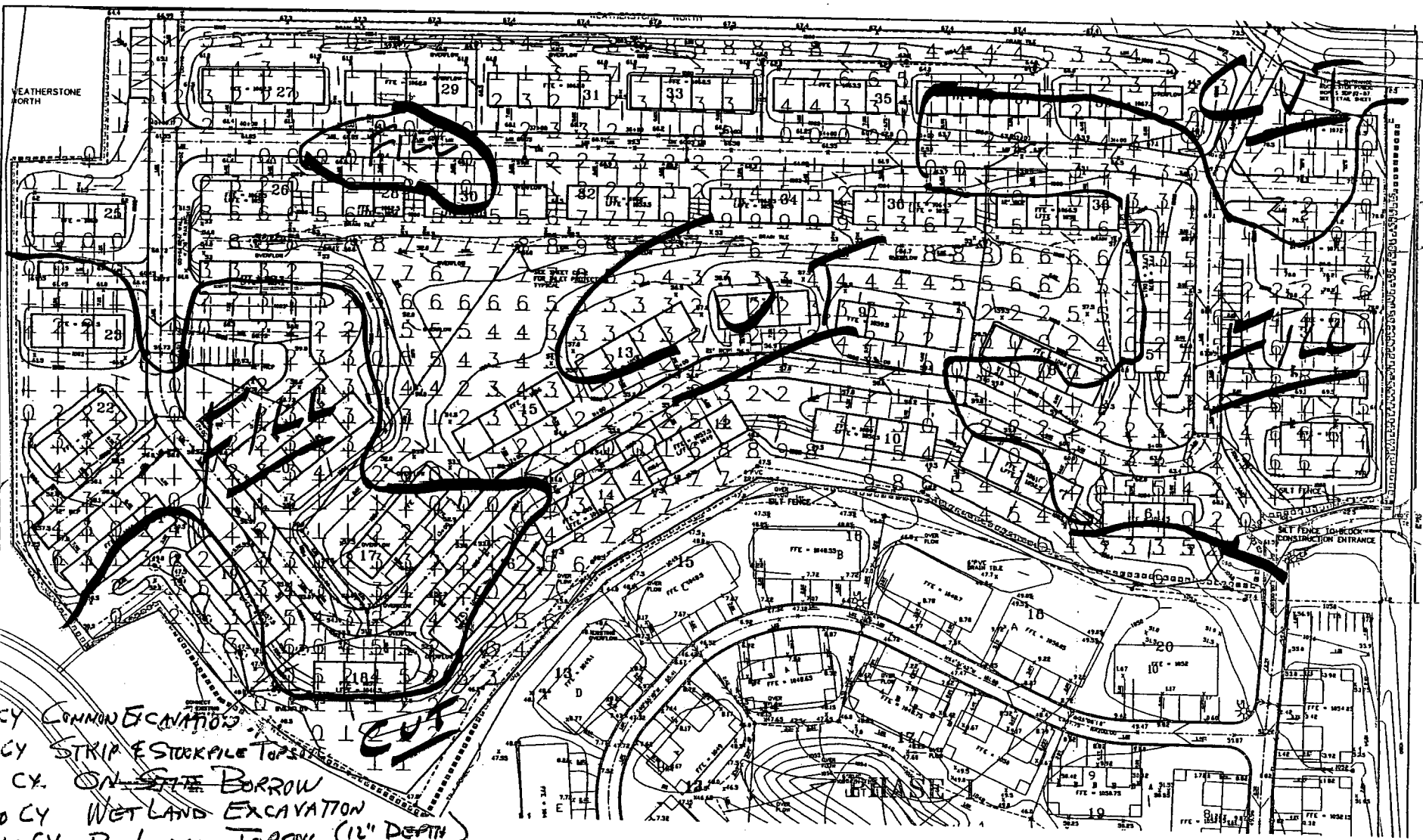
Jeffrey A. Shopek, P.E.
Principal Engineer

Enclosures



attn:
Name:
S. Paul

13A



100 CY COMMON EXCAVATION
 100 CY STRIP STOCKPILE TOPSOIL
 ON CX. ON SITE BORROW
 1,000 CY WETLAND EXCAVATION
 1,000 CY REINSTALL TOPSOIL (12" DEPTH)

SUBSTANTIAL LAND ALTERATION



REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11-17-03

135 /

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-8
ITEM DESCRIPTION: Utility Easement Vacation Petition #03-08, by Richard Martin and Lynette Oehlke-Martin to vacate the east 7 feet of the 15 foot utility easement reserved over, above and below the vacated alley right-of-way adjacent to Lot 23, Block 1 Flather's Addition. The property is located west of 14 th Ave. SW and north of 6 th St. SW.		PREPARED BY: Brent Svenby, Planner

November 13, 2003

Planning Department Recommendation:

See attached staff report dated November 13, 2003. Staff recommends approval of the vacation petition as requested.

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as submitted.

Attachments:

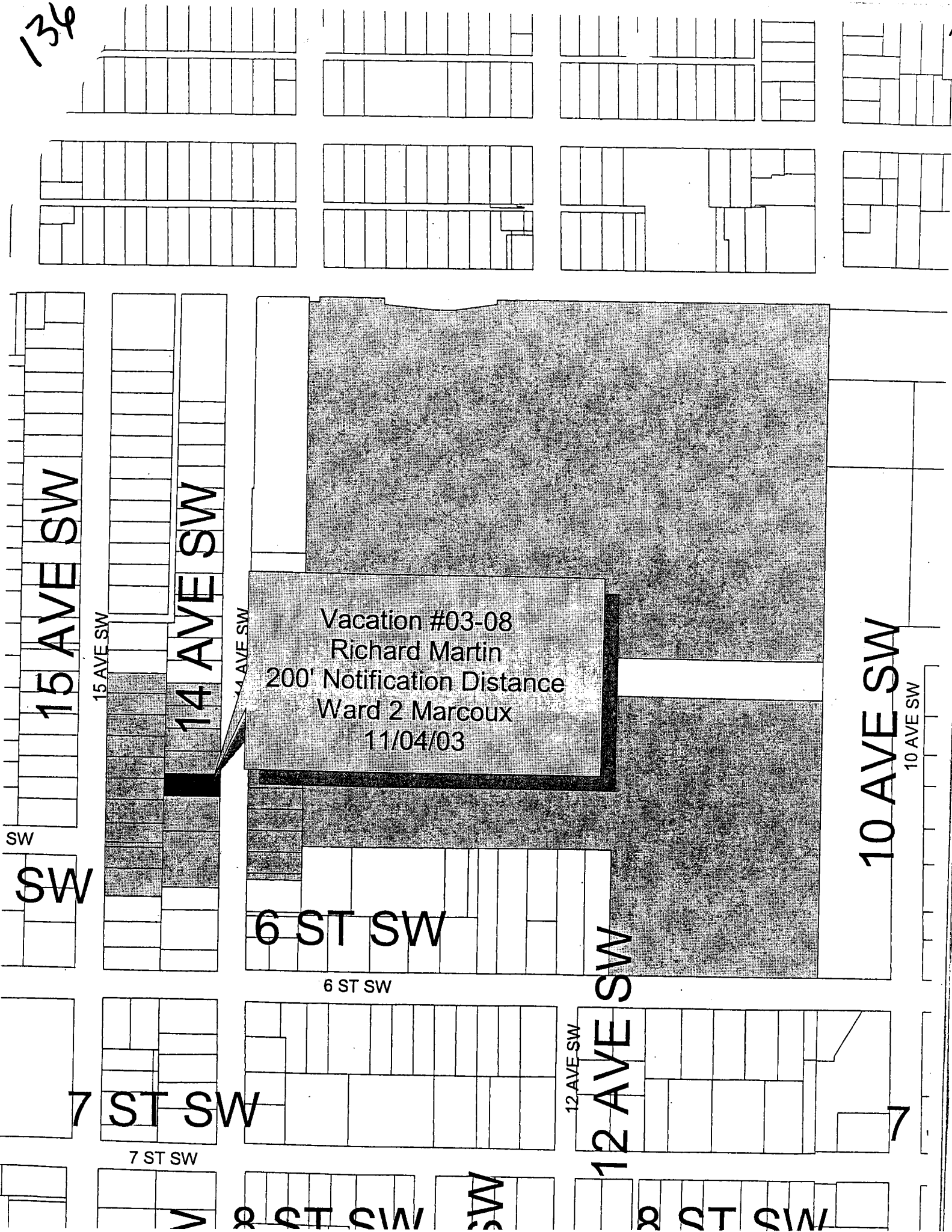
1. Staff Report dated November 13, 2003.

Distribution:

1. City Administrator
2. City Attorney: Copy of legal description is attached
3. Planning Department File
4. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, November 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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Vacation #03-08
Richard Martin
200' Notification Distance
Ward 2 Marcoux
11/04/03

15 AVE SW

14 AVE SW

10 AVE SW

12 AVE SW

6 ST SW

7 ST SW

7 ST SW

8 ST SW

8 ST SW

SW

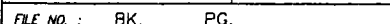
7

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Lot 23, Block 1 and that part of the vacated alley adjacent to said Lot 23, all in FLATHER'S ADDITION, Rochester, Minnesota.

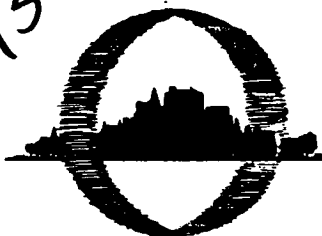
FD 1/2" ROD

SCALE 1" = 30'



1648 Third Avenue S.E.
Rochester, MN 55904
Telephone 607.266.3316
Fax 607.266.7733

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: November 13, 2003

RE: Utility Easement Vacation Petition #03-08, by Richard Martin and Lynette Oehlke-Martin to vacate the east 7 feet of the 15 foot utility easement reserved over, above and below the vacated alley right-of-way adjacent to Lot 23, Block 1 Flather's Addition. The property is located west of 14th Ave. SW and north of 6th St. SW.

Planning Department Review:

Petitioner(s): Richard Martin
Lynette Oehlke-Martin
441 14th Avenue SW
Rochester, MN 55902

Reason to Vacate: The applicant is proposing to vacate the east 7 feet of a 15 foot wide utility easement dedicated over a vacated alley formally adjacent to Lot 23, Block 1 Flather's Addition to accommodate rebuilding the garage further back on the lot.

Referral Comments: We received no objects to request.

Report Attachments:

1. Location Map
2. Vacation Petition
3. Easement to be Vacated

Staff Recommendation:

Staff has reviewed this request and received no negative comments from the referral agencies. In 1992 the alley adjacent to this lot was vacated however a utility easement was reserved over, above and below the vacated alley. Staff is recommending approval of the requested utility easement vacation.



Date:

10/16/03

To: Mayor and Common Council
City Hall
City of Rochester, Minnesota

Petition to Vacate Public Right-of-Way or Utility Easement

We, the undersigned, are the owners of the following described property located within the City of Rochester, Minnesota, and we constitute 50% or more of the owners of the property on the line of the public property herein described to be vacated: (Describe here or attach a separate list showing the legal description and full ownership of each adjoining parcel).

Owner's Names (If in joint tenancy, both or all parties must sign)

Richard Martin
Lynette Oehlke-Martin

Legal Description

Lot 23 Block 1 and that
part of the vacated alley
adjacent to said Lot 23
all in Flather's Addition,
Rochester, MN

We hereby petition the Common Council of the City of Rochester, Minnesota to vacate the following described public property:

The east 7 feet of the 15 foot alleyway vacated
adjacent to lot 23.

The facts and reasons for such vacation are as follows:

1. As 14th Ave SW by St. Mary's Hospital is an extremely busy road, we would like to add a "turn around" to our driveway in order to most safely exit our property.

3. To achieve this we must rebuild the garage further back on the property.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11-17-03

141 /

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-9
ITEM DESCRIPTION: Annexation Petition #03-25 by Kelly and Kristi Madson to annex approximately 7.94 acres of land located along the south side of Highway 14 East and along the east side of 40 th Avenue SE. The property is located in the West ½ NW ¼ SW ¼ Section 4 Marion Township.		PREPARED BY: Theresa Fogarty, Planner

November 13, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on November 12, 2003. The Commission found that this property is adjacent to the city limits and can be served by city water services by extending the water system through this property to the NE side providing for a planned looped system to serve this and adjoining properties to the east. The Planning Commission therefore recommends approval of this request.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-25 by Kelly and Kristi Madson. Ms. Petersson seconded the motion. The motion carried 8-0.

Planning Department Recommendation:

See attached staff report, dated November 4, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2004 is \$694.78.

Council Action Needed:

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning. The motion shall also include that all land included in this annexation be zoned "H - Holding" upon annexation.

Attachments

1. Staff report, dated November 4, 2003.
2. Draft copy of the minutes of the November 12, 2003, CPZC meeting

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, November 17, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

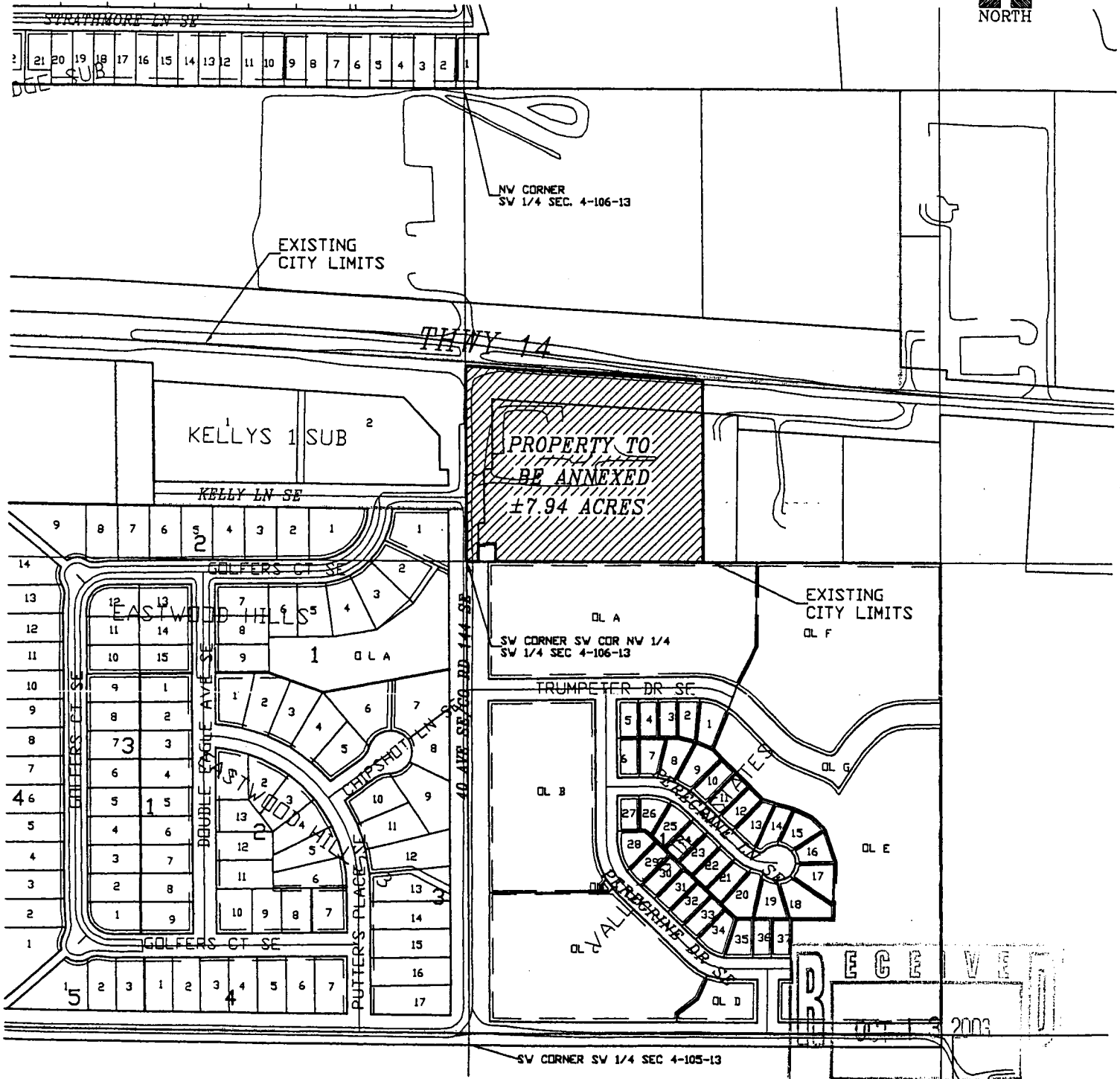
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

142

ANNEXATION EXHIBIT

DESCRIPTION:
SEE ATTACHED

SCALE 1" = 400'



FOR :

BOB'S CONSTRUCTION
KELLY & KRISTI MADSON
4006 HWY 14 EAST
ROCHESTER MN 55904

Land Surveying
Urban-Land
Planning
Consulting - Civil
Engineering

1648 Third Avenue S.E.
Rochester, MN 55904

McGhie



Geotechnical
Engineering
Construction Material
Testing
Landscape
Architecture

SCALE: 1" = 400'

DRAWN BY: JJJ

DATE: 10/09/03

ACCT. NO.: 7338/3422 Cadd No. 3422ANNE

143 /

Draft Minutes of the City Planning & Zoning Commission
Date of Hearing: November 12, 2003

ANNEXATION:

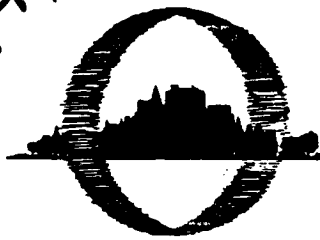
Annexation Petition #03-25 by Kelly and Kristi Madson to annex approximately 7.94 acres of land located along the south side of Highway 14 East and along the east side of 40th Avenue SE. The property is located in the West ½ NW ¼ SW ¼ Section 4 Marion Township.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-25 by Kelly and Kristi Madson as recommended by staff. Ms. Petersson seconded the motion. The motion carried 8-0.

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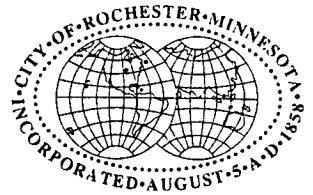
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: November 4, 2003

RE: Annexation Petition #03-25 by Kelly and Kristi Madson to annex approximately 7.94 acres of land located along the south side of Highway 14 East and along the east side of 40th Avenue SE. The property is located in the West ½ NW ¼ SW ¼ Section 4 Marion Township.

Planning Department Review:

Applicants/Owners:

Kelly and Kristi Madson
4006 Highway 14 East
Rochester, MN 55904

Architect/Engineer:

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Existing Land Use:

This property is currently developed land consisting of a single family dwelling and storage buildings used to the existing siding business.

Existing Zoning:

The property is zoned A-4 (Agricultural Urban Expansion) District on the Olmsted County zoning map.

Future Zoning:

The applicant is proposing to develop this property as a commercial-industrial site. It is recommended that this property be placed in the "I" Interim zoning district. The property owner will be petitioning for Commercial / Industrial zoning on the property at a later date.

Land Use Plan:

This property is designated for "commercial" use on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal Limits:

The property is adjacent to the city limits along its southern boundary.

Sewer & Water:

This area is within the Rose Harbor High Level Water System Area, which is currently available along the SW side of this property. This water system must be extended through this property to the NE side per our requirements to provide for a planned looped system to serve this and the adjoining properties to the east.



145 ✓

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, November 17, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

Report Attachments:

1. Annexation / Location Map

Staff Recommendation:

This property is adjacent to the City limits and can be served by city water services by extending the water system through this property to the NE side providing for a planned looped system to serve this and adjoining properties to the east.. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

REQUEST FOR COUNCIL ACTION

MEETING 11-17-03
DATE:

147

AGENDA SECTION: PUBLIC HEARINGS		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. E-10
ITEM	ROCHESTER CITY LINES FARE CHANGES		PREPARED BY: A KNAUER

This is a public hearing to consider changes to the base fare and various multi-ride passes offered by Rochester City Lines. The base fare has not been increased since January 1996. The multiple ride passes were last increased in December 2002.

Following is a summary of the proposed changes;

- 1) The single ride adult cash fare would increased from \$1.00 to \$1.25
- 2) The single ride senior (65 and older), Medicare Card holders and persons with disabilities from \$.50 to \$.60 during off-peak periods.
- 3) The single ride youth (ages 6-18) from \$.50 to \$.60.
- 4) The adult 10- ride pass would increase from \$9.00 to \$10.00.
- 5) The adult 20 ride pass would increase from \$16.00 to \$18.00
- 6) The monthly unlimited ride pass would increase from \$26.00 to \$30.00.
- 7) The current annual pass prorated at a monthly amount of \$24 for unlimited rides for an annual cost of \$288.00 would increase to a prorated monthly amount of \$28 for an annual cost of \$336.00.
- 8) The current discounted annual pass through the employer pass program prorated at a monthly amount of \$22 for an annual cost of \$264.00 would increase to \$26 a month for an annual cost of \$312.00. An employer with at least 10% of its local workforce participating in a bus pass program is eligible for this program.

No increases are proposed to the discount 10 ride tickets for \$5.00 offered to seniors (65 and over), youth (18 and under), Medicare card holders and persons with disabilities. Cash fares represent slightly over 9% of program revenues with the remainder made up of revenues from prepaid passes, sponsorships and advertising.

If the above changes are approved they would be effective December 1, 2003 with the exception of the changes to the annual pass which would be effective for annual passes sold for 2004.

It is estimated that the above fare increases will provide an additional \$97,000 in program revenues. Program revenues currently cover approximately 43% of expenses. The remainder of the program is funded by State and federal funds. The proposed 2004 budget (without any expansion of services) requires approximately \$30,000 over available State funds. The remaining revenues from this fare increase may be used for slight service adjustments later in 2004 depending on the rate of expenditures in comparison to budget. (The budget can be effected by changes in fuel prices and major equipment repairs.)

The Transit Advisory has recommended approval of the fare changes.

REQUESTED COUNCIL ACTION

Adopt the prepared resolution approving fare changes for Rochester City Lines per Exhibit "A"

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

148

✓

EXHIBIT "A"
PROPOSED CHANGES
TO THE
ROCHESTER CITY LINES FARE SCHEDULE

- 1) The single ride adult cash fare increases from \$1.00 to \$1.25
- 2) The single ride senior (65 and older), Medicare Card holders and persons with disabilities increases from \$.50 to \$.60 during off-peak periods.
- 3) The single ride youth (ages 6-18) increases from \$.50 to \$.60.
- 4) The adult 10- ride pass increases from \$9.00 to \$10.00.
- 5) The adult 20 ride pass increases from \$16.00 to \$18.00
- 6) The monthly unlimited ride pass increases from \$26.00 to \$30.00.
- 7) The current annual pass prorated at a monthly amount of \$24 for unlimited rides for an annual cost of \$288.00 increases to a prorated monthly amount of \$28 for an annual cost of \$336.00.
- 8) The current discounted annual pass through the employer pass program prorated at a monthly amount of \$22 for an annual cost of \$264.00 increases to \$26 a month for an annual cost of \$312.00. An employer with at least 10% of its local workforce participating in a bus pass program is eligible for this program.

No increases are made to the discount multiple ride tickets offered to seniors (65 and over), youth (18 and under), Medicare card holders and persons with disabilities or to student semester passes. Children 5 years of age and younger ride free.

The above changes are effective December 1, 2003 with the exception of the change to the annual pass which would be effective for all annual passes sold for 2004.

REQUEST FOR COUNCIL ACTION

MEETING 11-17-03
DATE:

149

AGENDA SECTION: PUBLIC HEARINGS		ORIGINATING DEPT: Public Works	ITEM NO. E-11
ITEM	ROCHESTER CITY LINES/ ROUTE CHANGES		PREPARED BY: A KNAUER

This is a public hearing to consider various bus route changes as operated by Rochester City Lines. The proposed changes effect Routes 4D and 17, 9 and 23. If approved the changes would go into effect on December 1, 2003 with the exception of Route 23 (which is a Saturday route) and would be implemented on December 6, 2003.

Proposed Changes

Route 9 would be revised to delete service west of Valley High Drive along 7th Street NW to Arends Industrial Park and Pemstar. The route would instead be extended west of Valleyhigh Drive on 19th Street to Superior Drive then north on Superior Drive to Valleyhigh Road NW then south to 30th Avenue NW to the existing route. See Attachment "A".

No riders currently board or deboard on the portion of the Route 9 west of Valley High Drive along 7th street NW. (This part of the route serves Fred Schuster and Ray Arends Industrial Parks.)The new alignment re-allocated the time and mileage to the new development on 19th Street NW (west of Valley High) and along Superior Drive between 19th street and Valley High Road. The Superior Drive area currently has only outbound service in the morning to IBM and Walmart. This would provide a.m. inbound service from these areas to downtown. The remainder of the route remains unchanged. The change results in a net increase of 13 miles per day. There is no change in service hours.

Route 4D and 17 would be revised in the a.m. hours to return downtown via 12th Street SE and 3rd Avenue SE instead of 15th/13th Avenue SE and 4th Street SE. In the p.m. Routes 4D and 17 would be outbound via 3rd Avenue SE to 12th Street SE instead of 4th Street SE and 13th/15th Avenue SE. See Attachment "B".

The change would provide increased service along 3rd Avenue SE and the Bethel park and ride. The existing alignment is served via regular Routes 3 and 4. There is no change in miles or hours.

Route 23 which is a Saturday route would be revised to delete service on 3rd Avenue SE south of 16th Street SE and instead be routed on 16th Street SE to Broadway then south to 28th Street SE serving Shopko South then north along the interior service drive to 25th Street SE serving Kohls and Walmart then north on Broadway to the original route. See Attachment "C".

The Transit Advisory has recommended approval of the above changes.

REQUESTED COUNCIL ACTION

Adopt the prepared resolution approving the extension of bus service to Manor Woods west per Exhibit "A".

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

150

EXHIBIT A
ROCHESTER CITY LINES ROUTE CHANGES
HEARING DATE: NOVEMBER 17, 2003

Proposed Changes

The following changes will take effect December 1, 2003.

Route 9 is revised deleting service west of Valley High Drive along 7th Street NW to Arends Industrial Park and Pemstar. The route is revised extending service west of Valleyhigh Drive on 19th Street to Superior Drive then north on Superior Drive to Valleyhigh Road NW then south to 30th Avenue NW to the existing route.

Route 4D and 17 is revised in the a.m. hours to return downtown via 12th Street SE and 3rd Avenue SE instead of 15th/13th Avenue SE and 4th Street SE. In the p.m. Routes 4D and 17 will travel outbound from downtown via 3rd Avenue SE to 12th Street SE instead of 4th Street SE and 13th/15th Avenue SE.

Route 23 which is a Saturday route is revised deleting service on 3rd Avenue SE south of 16th Street SE and instead be routed on 16th Street SE to Broadway then south to 28th Street SE serving Shopko South then north along the interior service drive to 25th Street SE serving Kohls and Walmart then north on Broadway to the original route.

151

ATTACHMENT A
REVISED ROUTE
ADD SERVICE TO
DELETE SERVICE



BADGER RIDGE

SUPERIOR DR

ADD THIS
SECTION

VALLEY HIGH DR

WYLANDS

185TH NW

DELETE THIS
SECTION

75TH NW

ATTACHMENT A
REVISE ROUTE 9
ADD SUPERIOR DRIVE
DELETE 7TH ST NW

DELETE THIS SECTION

NORTH

ADD THIS SECTION

CUB FOODS

ATTACHMENT B
REVISED ROUTES 4D & 17
EFFECTIVE 12/01/2003

153

ATTACHMENT C
REVISED ROUTE 23/
ADD SERVICE TO SHOPKO SOUTH
EFFECTIVE 12/01/2003

WALMART

← ADD
THIS SECTION

SHOPKO SOUTH

157

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11-17-03

155/

AGENDA SECTION: HEARINGS	ORIGINATING DEPT: City Clerk	ITEM NO. E-12
ITEM DESCRIPTION: Hearing for Assessing Weed Removal, Debris Removal, Tree Removal, Impound Towing, Sidewalk Repair.		PREPARED BY: Eileen Schneider

This is a hearing to pass on the proposed assessments for the following projects:

Project 7021 - Weed Eradication	\$ 669.32
Project 7023 - Debris Removal	\$ 5,338.61
Project 7024 - Tree Removal	\$ 4,652.19
Project 7029 - Impound Towing	\$ 1,106.62
Project 7035 - Sidewalk Repair	\$ 5,113.08

COUNCIL ACTION REQUESTED:

A motion to approve the prepared resolutions assessing properties for Weed Removal, Debris Removal, Tree Removal, Impound Towing, Sidewalk Repair.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

C E R T I F I C A T E O F N O T I F I C A T I O N

I HEREBY CERTIFY THAT THE FOLLOWING PROPERTY LIST WAS MAILED
TO THE PROPERTY OWNERS AS HEREBY LISTED ON THIS FORM.

MAILED THIS 10-27-03
DATE

APPROVED *Judy Schenck*
DEPARTMENT AUTHORIZED SIGNATURE

7035 SIDEWALK REPAIR

TAXPAYERS NAME	MAILING ADDRESS	LEGAL DESCRIPTION	PROPERTY ID	LOT BLK
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** AUDITOR'S PLAT A **

MICHAEL O TOOHEY
1303 YALE PL #6
MINNEAPOLIS

MN 55403

N66FT S215FT W250FT LOT 37

64.01.31.001060

037

TO BE ASSESSED

579.53

INVOICE 08821

KEITH J JOHNSON
PO BOX 243
ELGIN

MN 55932

N50FT OF S57FT OF W147FT LOT
40

64.01.31.001078

TO BE ASSESSED

1,099.42

INVOICE 08823

ROGER A & PAMELA D SCHULTZ
508 9TH ST SE
ROCHESTER

MN 55904

E45FT W90FT N90.33FT LOT 84

64.01.32.001245

084

TO BE ASSESSED

231.64

INVOICE 08827

** BAIHLY WOODLAND 6TH SUB **

RICK A STEPHENSON
2018 BAIHLY HILLS DR SW
ROCHESTER

MN 55902

LOT 3 BLK 1

64.10.23.001575

003 001

TO BE ASSESSED

109.80

INVOICE 08875

** COUNTRY CLUB MANOR 2ND SUB **

SHELLY MARIE PIERCE
3920 6TH ST NW
ROCHESTER

MN 55901

LOT 7 BLK 14

74.32.14.004254

007 014

TO BE ASSESSED

910.92

INVOICE 08838

** EAST ROCHESTER ADDITION **

SEAN P & TORRI C MURPHY
725 4TH AVE SE
ROCHESTER

MN 55904

LOT 2 BLK 15

64.01.23.005700

002 015

TO BE ASSESSED

156.22

INVOICE 08843

** MOHN AND HODGE SUB **

EILEEN M MCMAHON
721 13TH AVE NE
ROCHESTER

MN 55906

LOT 7 BLK 6

74.36.13.014543

007 006

TO BE ASSESSED

151.42

INVOICE 08881

** MORSE AND SARGEANT'S ADDITION **

157

CITY OF ROCHESTER		LOCAL IMPROVEMENT PROPERTY LIST	10/22/03	PAGE 2
TAXPAYERS NAME	MAILING ADDRESS	LEGAL DESCRIPTION	PROPERTY ID	LOT BLK
JOANNA L FITZGERALD 808 9 AVE SE ROCHESTER	MN 55904	W90FT LOT 5 BLK 27	64.01.24.014822	005 027
TO BE ASSESSED		383.49	INVOICE 08848	

** ORIGINAL PLAT (CITY OF ROCH) **				
THOMAS NEILS PO BOX 1114 ROCHESTER	MN 55903	N44FT LOT 3 BLK 1	64.02.13.017696	003 001
TO BE ASSESSED		309.84	INVOICE 08759	

CLAIRE L & LUCILLE E GRAY 505 2ND AVE SW ROCHESTER	MN 55902	LOT 6 BLK 2	64.02.13.017709	006 002
TO BE ASSESSED		145.48	INVOICE 08882	

** WILLSON'S ADDITION **				
CONNOR RECREATION COMPANY LLC 600 4 ST SW ROCHESTER	MN 55902	N27 1/2FT LOT 2 AND ALL LOT 3 AND S17 1/2FT LOT 4 BLK 107	64.02.13.025324	002
TO BE ASSESSED		530.43	INVOICE 08884	

WAYNE A & CAROL M STILLMAN 1241 9TH AVE SE ROCHESTER	MN 55904	W30FT E160FT N134FT BLK 107	64.02.13.025328	107
TO BE ASSESSED		186.48	INVOICE 08886	

** CITY LANDS 107-14-36 **				
FARIMAN SALAHSHOUR ETAL 16 9 AVE NE ROCHESTER	MN 55906	COM 145FT N OF SWCOR LOT 14 AND ON E LINE BEAVER ST E66FT N5FT E148.84FT N50FT W214.44FT S55FT TO BEG	74.36.34.026629	014
TO BE ASSESSED		460.24	INVOICE 08888	

** HUNTER HILLS 2ND **				
PATRICK M NOGOSEK 5511 23 AVE NW ROCHESTER	MN 55901	LOT 21 BLK 1	74.10.33.045504	021 001
TO BE ASSESSED		9.59	INVOICE 08891	

TOTAL TO BE ASSESSED		5,264.50		

C E R T I F I C A T E O F N O T I F I C A T I O N

I HEREBY CERTIFY THAT THE FOLLOWING PROPERTY LIST WAS MAILED
TO THE PROPERTY OWNERS AS HEREBY LISTED ON THIS FORM.

MAILED THIS

DATE

APPROVED

DEPARTMENT AUTHORIZED SIGNATURE

7021 WEED ERADICATION

TAXPAYERS NAME	MAILING ADDRESS	LEGAL DESCRIPTION	PROPERTY ID	LOT BLK
		** CONLEYS ADDITION	**	
MAYME ANNA KLEE		LOT 2 BLK 3	74.35.32.003915	002 003
1613 HILLSIDE DR NW	IA 52405			
CEDAR RAPIDS				
TO BE ASSESSED		48.93	INVOICE 08756	

		** EAST ROCHESTER ADDITION	**	
JACK A & BERTHA M FULSOM		LOT 11 BLK 12	64.01.23.005668	011 012
603 6 AVE SE	MN 55904			
ROCHESTER				
TO BE ASSESSED		46.60	INVOICE 08710	

		** HETZEL AND HAGEN RESUB	**	
BRUCE W UNDERLEAK		S28FT LOT 16 AND N22FT LOT 17	64.01.33.009836	016 002
1027 5TH AVE SE	MN 55904	BLK 2		
ROCHESTER				
TO BE ASSESSED		43.60	INVOICE 08775	

		** JOHNSON, W A SUB	**	
ALICE R PEDERSON		LOT 20 AND E 1/2 VAC ALLEY	64.01.34.011229	020 001
1021 9TH AVE SE	MN 55904	BLK 1		
ROCHESTER				
TO BE ASSESSED		32.45	INVOICE 08791	

ALICE R PEDERSON		LOT 20 AND E 1/2 VAC ALLEY	64.01.34.011229	020 001
1021 9TH AVE SE	MN 55904	BLK 1		
ROCHESTER				
TO BE ASSESSED		32.45	INVOICE 08797	

		** KUTZKY'S ADDITION (A.W.)	**	
BRADLEY W BISHOP		N83 1/2FT LOT 12 BLK 3	74.34.43.011498	012 003
1506 W CENTER ST	MN 55902			
ROCHESTER				
TO BE ASSESSED		32.45	INVOICE 08792	

		** MORSE AND SARGEANT'S ADDITION	**	
DEBORAH A RABEHL		E40FT LOTS 9 AND 12 BLK 41	64.01.21.014997	009 041
1012 3RD ST SE	MN 55904			
ROCHESTER				
TO BE ASSESSED		48.43	INVOICE 08790	

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CITY OF ROCHESTER		LOCAL IMPROVEMENT PROPERTY LIST	10/22/03	PAGE 2
TAXPAYERS NAME	MAILING ADDRESS	L E G A L D E S C R I P T I O N	PROPERTY ID	LOT BLK
STAR E OSTGARD 1009 3RD ST SE ROCHESTER	MN 55904	E66FT LOT 1 BLK 56	64.01.21.015159	001 056
TO BE ASSESSED		27.63	INVOICE 08780	

		** SUNNYSIDE ADDITION	**	
LOU JEAN COLLERON WILLIAMS 471 LYNNHURST AVE W SAINT PAUL	MN 55104	LOT 6 BLK 4	64.02.44.021851	006 004
TO BE ASSESSED		142.60	INVOICE 08867	

		** VILLA MEADOWS SUB	**	
WILLIAM J LYKE 1736 19TH AVE SE ROCHESTER	MN 55904	LOT 9 BLK 1	63.07.32.024008	009 001
TO BE ASSESSED		32.45	INVOICE 08806	

		** WESTERN 1ST REPLAT	**	
CENDANT MORTGAGE 6000 ATRIUM WAY MT LAUREL	NJ 08054	LOT 8 BLK 2	74.15.34.024227	008 002
TO BE ASSESSED		32.95	INVOICE 08758	

		** WEST ZUMBRO ADDITION	**	
LEONA M KALEAS 22 NORTH BROADWAY ROCHESTER	MN 55906	LOT 5 BLK 12	74.34.34.024734	005 012
TO BE ASSESSED		27.13	INVOICE 08783	

		** HILLCREST SUB	**	
CHET K THATCHER 203 23 AVE SW ROCHESTER	MN 55902	N80FT W301FT E334FT LOT A	64.04.11.042645	
TO BE ASSESSED		64.40	INVOICE 08784	

		** BAIHLY MEADOWS 3RD SUB	**	
MARGARET MBABAZI 2053 FOX VALLEY DR SW ROCHESTER	MN 55902	LOT 2 BLK 1	64.03.34.054499	002 001
TO BE ASSESSED		57.25	INVOICE 08712	

TOTAL TO BE ASSESSED		669.32		

C E R T I F I C A T E O F N O T I F I C A T I O N

I HEREBY CERTIFY THAT THE FOLLOWING PROPERTY LIST WAS MAILED
TO THE PROPERTY OWNERS AS HEREBY LISTED ON THIS FORM.

MAILED THIS 10-27-03 DATE APPROVED Judy Schen DEPARTMENT AUTHORIZED SIGNATURE

7024 TREE REMOVAL

TAXPAYERS NAME	MAILING ADDRESS	LEGAL DESCRIPTION	PROPERTY ID	LOT BLK
		** BALLOY'S 1ST SUB	**	
DEAN L & MYRTIS L DORNACK		LOT 14 BLK 1	64.11.34.001787	014 001
420 19 ST SW	MN 55902			
ROCHESTER				
TO BE ASSESSED		1,331.25	INVOICE 08807	

		** CUMMINGS OUTLOT	**	
RALPH E II HURLEY		E50FT S138FT LESS ST OUTLOT	74.35.33.005207	
1003 WEST CENTER ST	MN 55902	12		
ROCHESTER				
TO BE ASSESSED		319.50	INVOICE 08873	

RALPH E II HURLEY		E50FT S138FT LESS ST OUTLOT	74.35.33.005207	
1003 WEST CENTER ST	MN 55902	12		
ROCHESTER				
TO BE ASSESSED		683.15	INVOICE 08696	

		** GARDNER'S 2ND	**	
SARA CHRISTINE MATHEWSON		LOT 4	74.36.22.008112	004
208 14 ST NE	MN 55906			
ROCHESTER				
TO BE ASSESSED		1,065.00	INVOICE 08810	

		** KRETER'S REPLAT	**	
JOSHUA R HAYWOOD		LOT 3 BLK 1	74.35.32.011348	003 001
810 5 ST NW	MN 55901			
ROCHESTER				
TO BE ASSESSED		79.88	INVOICE 08864	

		** MORSE AND SARGEANT'S ADDITION	**	
LYNDON W STINSON		LOT 5 BLK 42	64.01.21.015005	005 042
PO BOX 22	MN 55903			
ROCHESTER				
TO BE ASSESSED		853.91	INVOICE 08699	

		** PECK'S HILLS 3RD SUB	**	
DAVID M & SHARON M DEAN		TH PT LOT 10 LYING WLY OF A	74.25.42.019269	010 002
900 52ND CT		LINE 50FT ELY OF & PAR TO WLY		
		LINE SD LOT 10 LESS S5FT		
		THEREOF BLK 2		
WEST DES MOINES	IA 50266			
TO BE ASSESSED		319.50	INVOICE 08812	

161 /

CITY OF ROCHESTER

LOCAL IMPROVEMENT PROPERTY LIST

10/22/03

PAGE 2

TAXPAYERS NAME

MAILING ADDRESS

L E G A L D E S C R I P T I O N

PROPERTY ID

LOT BLK

TOTAL TO BE ASSESSED

4,652.19

C E R T I F I C A T E O F N O T I F I C A T I O N

I HEREBY CERTIFY THAT THE FOLLOWING PROPERTY LIST WAS MAILED
TO THE PROPERTY OWNERS AS HEREBY LISTED ON THIS FORM.

MAILED THIS 10-27-03 DATE APPROVED July Schenck DEPARTMENT AUTHORIZED SIGNATURE

7029

IMPOUND TOWING

TAXPAYERS NAME	MAILING ADDRESS	LEGAL DESCRIPTION	PROPERTY ID	LOT BLK
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** AUDITOR'S PLAT A

**

ROBERT E JENSEN
926 4 AVE SE
ROCHESTER

MN 55904

N49 1/2FT S99FT E132FT LOT 79

64.01.32.001206

079

TO BE ASSESSED

284.42

INVOICE 08752

** BOUTELLES 1ST

**

TAMMY J HOFBAUER
1606 3RD ST NE
ROCHESTER

MN 55906

LOT 2 BLK 1

74.36.41.002526

002 001

TO BE ASSESSED

72.73

INVOICE 08733

** CASCADE PLAZA

**

PHOEURN PHY
909 11 ST NW
ROCHESTER

MN 55901

LOT 10 BLK 1

74.34.41.003114

010 001

TO BE ASSESSED

71.73

INVOICE 08737

** CUMMINGS ADDITION

**

PHATH NEANG
321 7TH AVE NW
ROCHESTER

MN 55901

LOT 6 BLK 15

74.35.31.005036

006 015

TO BE ASSESSED

114.85

INVOICE 08753

** HEAD AND MCMAHON ADDITION

**

ALEJANDRO & ELBA AVILEZ
415 7TH ST SW
ROCHESTER

MN 55902

LOT 5 BLK 5

64.02.24.009164

005 005

TO BE ASSESSED

72.23

INVOICE 08735

** NORTHERN ADDITION

**

PAUL TAGATZ
405 2 ST SW
STEWARTVILLE

MN 55976

W29FT LOT 3 AND ALL LOT 4
BLK 11

74.35.13.015675

003 011

TO BE ASSESSED

70.23

INVOICE 08803

BRADLEY J & KARRY J GREEN
1110 1 AVE NE
ROCHESTER

MN 55906

N65FT S130FT LOTS 7 AND 8
BLK 42

74.35.11.016141

007 042

TO BE ASSESSED

273.47

INVOICE 08750

CITY OF ROCHESTER

LOCAL IMPROVEMENT PROPERTY LIST

10/22/03

PAGE 2

TAXPAYERS NAME

MAILING ADDRESS

L E G A L D E S C R I P T I O N

PROPERTY ID

LOT BLK

** ROLLING GREENS 3RD

**

RANDALL R & RONALD R ASH
3524 22ND AVE NW APT 3
ROCHESTER MN 55901

LOT 22 BLK 6

74.22.23.020567

022 006

TO BE ASSESSED

73.23

INVOICE 08729

** WEST ZUMBRO ADDITION

**

ALICE E HAMILTON
21 18 AVE NW
ROCHESTER MN 55901

S1/2 LOTS 6 AND 7 BLK 5

74.34.34.024636

006 005

TO BE ASSESSED

73.73

INVOICE 08716

TOTAL TO BE ASSESSED

1,106.62

143

C E R T I F I C A T E O F N O T I F I C A T I O N

I HEREBY CERTIFY THAT THE FOLLOWING PROPERTY LIST WAS MAILED
TO THE PROPERTY OWNERS AS HEREBY LISTED ON THIS FORM.

MAILED THIS

DATE

APPROVED

DEPARTMENT AUTHORIZED SIGNATURE

7023

RUBBISH REMOVAL

TAXPAYERS NAME	MAILING ADDRESS	L E G A L D E S C R I P T I O N	PROPERTY ID	LOT BLK
		** AUDITOR'S PLAT A	**	
ROBERT E JENSEN 926 4 AVE SE ROCHESTER	MN 55904	N49 1/2FT S99FT E132FT LOT 79	64.01.32.001206	079
TO BE ASSESSED		387.73	INVOICE 08739	

ALLEN H & MARIE E WILSON 1020 9TH AVE SE ROCHESTER	MN 55904	N50FT S2/3 S1/2 W132FT LOT 94	64.01.34.001279	094
TO BE ASSESSED		197.63	INVOICE 08785	

		** BAIHLY'S 1ST ADDITION	**	
JAN A MILLS 853 11 1/2 ST SW ROCHESTER	MN 55902	LOT 6 BLK 5	64.02.33.001753	006 005
TO BE ASSESSED		111.00	INVOICE 08814	

		** CASCADE PLAZA	**	
PHOEURN PHY 909 11 ST NW ROCHESTER	MN 55901	LOT 10 BLK 1	74.34.41.003114	010 001
TO BE ASSESSED		87.88	INVOICE 08738	

		** CUMMINGS ADDITION	**	
ARTHUR R KEIM 212 9TH AVE NW ROCHESTER	MN 55901	S7FT LOT 9 AND N37FT LOT 10 BLK 24	74.35.32.005056	009 024
TO BE ASSESSED		309.10	INVOICE 08786	

		** EAST ROCHESTER ADDITION	**	
DANIEL S WHITE 124 6TH AVE SE ROCHESTER	MN 55904	LOT 12 BLK 12	64.01.23.005669	012 012
TO BE ASSESSED		83.00	INVOICE 08870	

		** ELLIOT'S RESUB OF 6 & 11	**	
PHOEURN PHY 909 11 ST NW ROCHESTER	MN 55901	LOT 4 BLK 11	74.35.31.005875	004 011
TO BE ASSESSED		175.77	INVOICE 08744	

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CITY OF ROCHESTER		LOCAL IMPROVEMENT PROPERTY LIST	10/22/03	PAGE 2
TAXPAYERS NAME	MAILING ADDRESS	LEGAL DESCRIPTION	PROPERTY ID	LOT BLK
		** FANNING'S ADDITION	**	
JENNIFER L MENTZOS		LOT 8 BLK 2	64.01.12.007544	008 002
24 7 AVE SE				
ROCHESTER	MN 55904			
TO BE ASSESSED		184.45	INVOICE 08770	

		** HARDEN'S REPLAT	**	
LEROY JERRY & LYLAH H FREY		LOT 7	74.36.43.009063	007
1220 1ST ST NE				
ROCHESTER	MN 55906			
TO BE ASSESSED		553.69	INVOICE 08801	

		** HEAD AND MCMAHON ADDITION	**	
ALEJANDRO & ELBA AVILEZ		LOT 5 BLK 5	64.02.24.009164	005 005
415 7TH ST SW				
ROCHESTER	MN 55902			
TO BE ASSESSED		372.22	INVOICE 08742	

		** HENDRICKS AND POSTIERS	**	
JAY JEROME CHRISTENSON		LOT 8 BLK 2	74.36.42.009782	008 002
PO BOX 8176				
ROCHESTER	MN 55903			
TO BE ASSESSED		598.99	INVOICE 08802	

		** HETZEL AND HAGEN RESUB	**	
BRUCE W UNDERLEAK		S28FT LOT 16 AND N22FT LOT 17	64.01.33.009836	016 002
1027 5TH AVE SE		BLK 2		
ROCHESTER	MN 55904			
TO BE ASSESSED		61.00	INVOICE 08787	

		** MORSE AND SARGEANT'S ADDITION	**	
DEBORAH A RABEHL		E40FT LOTS 9 AND 12 BLK 41	64.01.21.014997	009 041
1012 3RD ST SE				
ROCHESTER	MN 55904			
TO BE ASSESSED		56.00	INVOICE 08778	

		** NORTHERN ADDITION	**	
CHARLES E STEVENS		E32 1/2FT LOT 12 BLK 40	74.35.14.016120	012 040
119 9TH ST NE				
ROCHESTER	MN 55906			
TO BE ASSESSED		94.46	INVOICE 08754	

		** SONNENBERG'S ADDITION	**	
BRADLEY J & KARRY J GREEN		N65FT S130FT LOTS 7 AND 8	74.35.11.016141	007 042
1110 1 AVE NE		BLK 42		
ROCHESTER	MN 55906			
TO BE ASSESSED		744.63	INVOICE 08745	

		** SONNENBERG'S ADDITION	**	
RANDY C & JANICE L HOYER		LOT 1 BLK 1	74.26.44.021459	001 001

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CITY OF ROCHESTER

LOCAL IMPROVEMENT PROPERTY LIST

10/22/03

PAGE 3

TAXPAYERS NAME	MAILING ADDRESS	L E G A L D E S C R I P T I O N	PROPERTY ID	LOT BLK
2 16 1/4 ST NE ROCHESTER	MN 55906			

TO BE ASSESSED	140.94	INVOICE 08805
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RANDY C & JANICE L HOYER 2 16 1/4 ST NE ROCHESTER	MN 55906	LOT 1 BLK 1	74.26.44.021459	001 001
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TO BE ASSESSED	112.88	INVOICE 08724
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** SUNNYSIDE ADDITION

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LOU JEAN COLLERON WILLIAMS 471 LYNNHURST AVE W SAINT PAUL	MN 55104	LOT 6 BLK 4	64.02.44.021851	006 004
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TO BE ASSESSED	101.00	INVOICE 08861
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** VILLA MEADOWS SUB

**

WILLIAM J LYKE 1736 19TH AVE SE ROCHESTER	MN 55904	LOT 9 BLK 1	63.07.32.024008	009 001
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TO BE ASSESSED	341.77	INVOICE 08751
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WILLIAM J LYKE 1736 19TH AVE SE ROCHESTER	MN 55904	LOT 9 BLK 1	63.07.32.024008	009 001
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TO BE ASSESSED	186.47	INVOICE 08789
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WILLIAM J LYKE 1736 19TH AVE SE ROCHESTER	MN 55904	LOT 9 BLK 1	63.07.32.024008	009 001
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TO BE ASSESSED	438.00	INVOICE 08872
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TOTAL TO BE ASSESSED	5,338.61	
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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION: Reports and Recommendations	ORIGINATING DEPT: POLICE	ITEM NO. F-1
ITEM DESCRIPTION Juvenile Accountability Incentive Block Grant		PREPARED BY: Roger Peterson

The Minnesota Department of Public Safety has made funds available to the City of Rochester Police Department through a federal Juvenile Accountability Incentive Block Grant (JAIBG) program authorized under Public Law 105-227. This program is intended to help reform the juvenile justice system and to provide greater accountability for juveniles involved in the juvenile or criminal justice system. The amount allocated to the City is \$24,301 that is based on a formula prescribed by federal law.

In the past, the Police Department has allocated these funds to the Olmsted County Attorney's Office. The Olmsted County Attorney's office has used these funds to hire additional juvenile prosecutors so that caseloads can be reduced and the processing time of juvenile cases decrease. The grant has contributed significantly to the juvenile diversion program that allows less serious cases involving juveniles to be handled without court involvement.

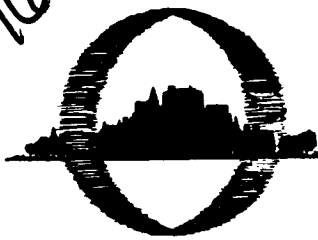
Ray Schmitz, Olmsted County Attorney, has stated that Olmsted County would be willing to pick up the City's hard cash match of \$2700. The County would also act as administrator of the grant, completing the grant application and fulfill any further requirements of the grant including but not limited to administrative and financial reporting.

COUNCIL ACTION REQUESTED:

Approval to accept \$24,301 in JAIBG funds and to enter into a multi-jurisdictional agreement with Olmsted County. This agreement would transfer the funds to be used by the Olmsted County Attorney's Office to fund positions for juvenile prosecutors. Olmsted County would be responsible for paying the City's hard cash match of \$2700 and fulfill the remaining requirements of the grant including administrative and financial reporting.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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COUNTY OF
Olmsted

RAYMOND F. SCHMITZ
COUNTY ATTORNEY
151 4TH STREET SE
ROCHESTER, MN 55904-3710
Email: county.attorney@co.olmsted.mn.us
507/285-8138 FAX 507/281-6054
WITNESS LINE / CHILD SUPPORT
287-2060 285-8381

CRIMINAL DIVISION
JAMES S. MARTINSON
CRIMINAL DIVISION HEAD
JAMES E. HAASE
JEFFREY D. HILL
DAVID F. McLEOD
JAMES P. SPENCER
LISA R. SWENSON
ERIC M. WOODFORD

CIVIL DIVISION
ROBERT W. MCINTOSH
CIVIL DIVISION HEAD
KAREN ARTHURS
GEOFFREY A. HJERLEID
THOMAS P. KELLY
LIZ LaROQUE
KATHY M. WALLACE
BRENT E. WALZ

6 November 2003

Rochester City Council
Government Center
Rochester MN 55904

Re: Juvenile Accountability Incentive Block Grant 2004

I am writing to request that the City of Rochester again agree to make available to the Office of the County Attorney the portion of the funds allocated to the City under this program. This cooperative effort by the City and County has been in place for several years. It has enabled the retention of an additional prosecutor and support staff in the juvenile delinquency area.

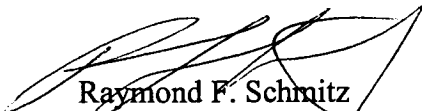
This additional staff has allowed us to maintain a current status in juvenile cases and to assist the court services department in the juvenile diversion program.

The diversion program allows minor juvenile offenders to avoid the court process and still holds them accountable for their behavior through restitution and community service programs. We also use educational programs in alcohol and tobacco cases. Since several hundred of these cases are not in court we have the opportunity to focus on serious juvenile matters and make timely disposition of them. The prosecutors work closely with school liaison officers and POP officers to deal with the juveniles causing problems in neighborhoods and schools. I am asking that the county board fund the positions despite the reduction in the grant.

Olmsted County agrees to assume responsibility for the administration of the grant, the local match and for the fulfillment of the other requirements of the program.

Thank you for your cooperation in the past, if you have any questions please contact me.

Respectfully:



Raymond F. Schmitz
Olmsted County Attorney

Cc: Sarah Clayton, RPD
County Commissioners
Richard Devlin

REQUEST FOR COUNCIL ACTION

MEETING
DATE : 11/17/2003

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AGENDA SECTION: Reports and Recommendations	ORIGINATING DEPT: Water Reclamation Plant	ITEM NO: F-2
ITEM DESCRIPTION: Water Reclamation Plant NPDES Permit Limits		PREPARED BY: Lyle J. Zimmerman

WJ

The NPDES Discharge Permit under which the WRP is currently operating expired on March 31, 1996. The City submitted an application for renewal in the Fall of 1995. In the Fall of 2002, Minnesota Pollution Control Agency (MPCA) requested the City submit a revised application to address our planned plant expansion. This revised application was submitted on January 27, 2003. The MPCA has presented the City a draft of proposed NPDES Permit limits with several options. City staff along with the plant expansion design consultants have met with the MPCA on several occasions to discuss the permit renewal and the options presented. A decision must be made by the City as to how we would like to proceed. The final NPDES Permit limits for the wastewater treatment plant must be issued by MPCA before the City can finalize the Environmental Assessment Worksheet (EAW) or proceed with the WRP expansion in 2004. There are several issues where the MPCA's interpretation of the water quality rules or authority could be challenged, and this could delay the permit reissuance. Any significant delays in reissuing the permit could delay the construction of the 2004 Plant Upgrade and Expansion Project. Failure to begin and complete the WRP Plant Upgrade and Expansion Project in a timely manner could eventually lead MPCA to issuing a moratorium on sewer extensions due to limited treatment plant capacity.

The current limits are:

<u>Parameter</u>	<u>Limit (Monthly Average)</u>
CBOD5 (Carbonaceous Biochemical Oxygen Demand)	4 mg/l
TSS (Total Suspended Solids)	20 mg/l
NH3-N (Ammonia Nitrogen)	1.6 mg/l
TP (Total Phosphorus)	1.0 mg/l

The following briefly describes the options presented, the option recommended for selection along with the rational behind its selection:

1. CBOD5 and Ammonia

The MPCA assumes there is a linkage between CBOD5 (carbonaceous biological oxygen demand) and ammonia since there is an oxygen demand exerted on the river by ammonia. Limits on ammonia are also based on its toxicity to fish.

<u>Option A.</u>	<u>Summer</u>	<u>Fall</u>	<u>Winter</u>	<u>Spring</u>
CBOD5 mg/l	5	5	5	5
NH4-N mg/l	4.9	13	12	10
<u>Option B.</u>				
CBOD5 mg/l	15	15	15	15
NH4-N mg/l	3	13	5	10

With Option A meeting a CBOD5 of 5 mg/l would be very difficult and nitrification of ammonia would still be required, especially in the summer. Nitrification is more difficult in the colder months and some relief would be seen with this option. Option B gives a CBOD5 of 15 mg/l that is slightly higher than the current limit and should be easily met even as flows increase. Nitrification would still be required with lower limits set in the summer and winter. The lowest ammonia limit would still be about double the current limit. Nitrification is essentially an all or nothing process and is required with both options. **Staff recommends Option 1. B.**

(Continued)

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2. Total Suspended Solids (TSS)

Total suspended solids would be set at the current limit of 20 mg/l. This limit was based on 20-year old data that showed that polychlorinated biphenyls (PCB) were found in fish tissue. MPCA assumed that if TSS concentrations were controlled then PCBs would be reduced in the plant effluent.

The city could challenge this limit and do testing of PCBs and request the state to gather current fish tissue data. PCBs usage has been greatly reduced over the last 2 decades and improvements in water quality should be seen. The MPCA said they would look into whether this limit could be increased to the normal secondary treatment standard of 30 mg/l.

The 20 mg/l TSS limit appears to be wrong and should be changed. It is not known how this lower than normal limit may be used by MPCA in the future and how it may be linked to other pollutant loadings in the future. The TSS limit becomes a moot point when other parameters are considered. For example, if the effluent approaches 10 mg/l TSS then it is likely the phosphorus limit will be exceeded because of the phosphorus tied up in the solids.

It is recommended that some effort be made to get the TSS limit re-established at 30 mg/l, but it is not something that should lead to holding up the reissuance of the permit. If this becomes a stumbling block the city should accept the current limit of 20 mg/l TSS.

3. Mercury (Hg)

The MPCA assumes that there is a linkage between mercury and TSS and that if TSS levels are controlled then mercury loading to the river will be reduced. Lake Zumbro and the Zumbro River have been found to be impaired due to mercury levels found in fish tissue and there are fish consumption advisories issued for these water bodies.

Mercury is difficult to test for and the levels that can cause problems are extremely low. The water quality standard is 6.9 nanograms per liter, which is equivalent to 1.0 cubic inch of mercury in a one square mile lake 41 feet deep. The MPCA has stated that the amount of mercury discharged by all of the wastewater treatment plants in the state account for less than 2 % of the total mercury found in the water resources of the state. They stated that rain water has 8 to 10 nanograms / liter of mercury. Even though many of the issues regarding mercury do not make any sense, the MPCA indicated that they are still required to meet the State and Federal rules.

Option A.

The TSS concentration limit would be set at 20 mg/l and maximum mass discharged would be frozen at the current level of 3185 lbs/day based on current plant design flow of 19.1 mgd. There would be no limit on mercury. This means that if the plant flows would double in the future the TSS concentration limit would in effect be reduced to 10 mg/l to meet the mass limit. It is likely that sand or membrane filters would need to be constructed some time in the future to meet this limit. Those processes are extremely expensive to install and operate.

Option B.

The TSS concentration limit would be set at 20 mg/l (possibly 30 mg/l if the City is successful with No. 2 above) with no mass limit and a mercury limit set at the water quality limit of 6.9 nanograms per liter.

Limited test data shows that the WRP should be able to meet this mercury limit. If the limit is exceeded about the only way to control mercury is at the sources through the pretreatment program. This could include stricter limits on medical facilities and requiring all dental offices to install equipment to trap mercury in dental amalgam.

Option C.

The City requested that a third option be considered which was essentially the same as the limits recently given to the Eagle's Point Treatment Plant in Cottage Grove. This would require mercury monitoring for 2 years and then MPCA would use that data to do a "reasonable potential" calculation to determine what the limit should be. The MPCA indicated that was a special case and that this option would not be made available to Rochester. The impression was given that it would not be available to the Cottage Grove plant today.

(Continued)

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Staff recommends Option 2. B. Even if Option A. was selected it is likely that after the Total Mass Daily Limit (TMDL) for the Zumbro River is completed by MPCA the WRP would eventually receive a mercury limit anyway. With both options it is likely that mercury limits will eventually be reduced to around 2.0 nanograms / liter. The MPCA said that with Option B. they would still do a "reasonable potential" calculation before the next permit cycle and reevaluate what the proper mercury limit should be. The MPCA also believes that it is necessary to complete TMDL's as soon as possible so that a better approach to dealing with mercury can be established.

4. Phosphorus

Option A.

The monthly average concentration limit would be set at 1.0 mg/l and the mass limit would be frozen at 159 lbs/day based on a current plant design flow of 19.1 mgd. Upon completion of the TMDL for the Zumbro now scheduled for completion around the years 2010 to 2012 phosphorus limits will be reevaluated. Freezing the mass limit in effect proportionately decreases the concentration limit as flows increase. At some point filters would likely be constructed to meet the much lower concentration requirements.

Option B.

This option would be the same as Option A. except the mass limit would be based on a twelve month averaging period rather than one month. This would be made available assuming the plant expansion includes a biological phosphorus removal process which is what is being planned. Again, phosphorus would be reevaluated after completion of the TMDL.

Option C.

This option was requested for consideration by the City and would be essentially the same as the one given to the Eagle's Point Treatment Plant in Cottage Grove. This would include a 1.0 mg/l yearly average phosphorus limit with no mass limit until after the TMDL is completed. The MPCA was told that Rochester does not want to be hit twice with lower limits, once now and once after completion of the TMDL. The MPCA stated that when the permit was issued to Eagle's Point, that section of the Mississippi River was not on the impaired waters list for phosphorus. This option could not be made available to Rochester.

Staff recommends Option 4. B. The yearly averaging period for the mass of phosphorus offers some flexibility to overcome potential upsets with a biological phosphorus removal process. It appears that with all options, construction of filters will eventually be required at the WRP.

In summary, it appears that of the MPCA offered permit limits, the city staff recommended NPDES Permit limits options affords the WRP the best that can be negotiated with the MPCA. The City could challenge the State on the TSS concentration limit, possibly the reasonableness of giving a *de minimus discharger mercury limits*, and the necessity for low ammonia limits in the winter. None of these limits will impact the plant on how it is operated or what will be included in the design of the plant expansion. Challenging the MPCA on any of the proposed permit limit options will only delay the issuance of a permit and the beginning of construction of the plant expansion. The new NPDES Permit limits will not go into effect until the WRP Upgrade and Expansion is complete. We will continue to operate under the 1991 NPDES Permit and associated permit limits until the WRP Upgrade and Expansion is complete.

Council Action Requested

Authorize City staff to continue negotiating with the Minnesota Pollution Control Agency the NPDES Permit Limits for the Water Reclamation Plant based on the recommended options discussed above.

COUNCIL ACTION: Motion by: _____ Second by: _____ To: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS <i>T.A.</i>
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>a) An Ordinance Rezoning Approximately 10.53 Acres of Property From The R-1 Zoning District To The B-1 Zoning District, And Amending Ordinance No. 2785, Known As The Zoning Ordinance And Land Development Manual Of The City Of Rochester, Minnesota. Said Property is located East of HyVee North, North of West River Parkway, South of 37th Street NW, and West of Zumbro River.</p> <p>G. 4. MISCELLANEOUS</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

